BUILDING FOR PEACE

AN INTERNATIONAL ENCOUNTER FOR EUROPEAN JOURNALISTS ON THE QUESTION OF PALESTINE—LISBON, 16-17 SEPTEMBER 1992

INTRODUCTION

The United Nations Department of Public Information (DPI), in cooperation with the Ministry of Foreign Affairs of Portugal and the Lisbon newspaper *Pública*, sponsored an International Encounter for European Journalists on the Question of Palestine at Lisbon, Portugal, from 16 to 17 September 1992. The Encounter was moderated by the Director-General of the United Nations Office at Vienna, Giorgio Giacomelli, and coordinated by Mustapha Tlili, Chief of the Anti-Apartheid, Decolonization and Palestine Programmes Section of DPI. It was opened by Duarte Ivo Cruz, Under-Secretary of State for Foreign Affairs of Portugal.

The Encounter was part of DPI's special information programme on the question of Palestine, mandated by General Assembly resolution 46/74 C of 11 December 1992. The programme includes national, regional and international journalists' encounters and stems from the Assembly's conviction that the world-wide dissemination of accurate and comprehensive information on the question of Palestine remains of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people to self-determination and to the establishment of an independent, sovereign State.

Each Encounter brings prominent media representatives from a specific country or region together with Israeli, Palestinian and other Middle East experts to engage in free, fair and frank discussions, in order to further the Israeli-Palestinian dialogue and to contribute to a peaceful solution of the Arab-Israeli conflict.

The structure of the Encounters is informal, with each panellist giving brief opening remarks, followed by a dialogue with the media representatives.

The Lisbon meeting was designed to build on the success of a similar UN-sponsored Encounter convened in Helsinki in June 1991. (DPI's publication *Prospects For Peace in the Middle East: An Israeli-Palestinian Dialogue* (Sales No. E.92.I.25), provides an account of the proceedings.) The objective in Lisbon was to review progress achieved in the current peace process, launched on 30 October 1991 in Madrid, discuss various scenarios for peaceful resolution of the Israeli-Palestinian conflict and focus on Europe's contribution to such an outcome.

PARTICIPANTS

Panellists

There were nine panellists: Jamil Hilal, Director of the Information Department of the Palestine Liberation Organization (PLO) and Member of the Palestine National Council (PNC); Hisham Mustapha, Department of Arab and International Affairs of the PLO and Member of the PNC; Ziad Abu Zayyad, Adviser to the Palestinian Negotiating Team; Avraham Burg, Member of the Knesset, Israel; Naomi Chazan, Member of the Knesset, Israel; Walid Al-Sa'adi, Personal Representative of H.R.H. Crown Prince Hassan of Jordan; Hans Stercken, Chairman of the Foreign Relations Committee of the Bundestag, Germany; Francisco Henriques da Silva, Director for Middle East and Maghreb Affairs, Ministry of Foreign Affairs, Portugal; and William B. Quandt, Senior Fellow at the Brookings Institution, Washington, D.C.

Media

The Encounter brought together a total of fifty-two media participants, including columnists, senior editors and editorial writers representing the following news organizations: *Der Standard*, *ORF*

(Austria); *De Standaard*, IPS (Belgium); *Politiken, Weekendavisen* (Denmark); *Helsingin Sanomat, Hufvudstadsbladet* (Finland); *Agence France Presse (AFP), Le Figaro, Le Monde, Le Nouvel Observateur* (France); *Deutschlandfunk, Süddeutsche Zeitung, Vereinte Nationen* (Germany); *Kathimerini*, MEGA Channel TV (Greece); *Osservatore Romano* (Holy See); *The Irish Times* (Ireland); *Davar, Hadashot, Maariv, Jerusalem Post, Yediot Aharanot* (Israel); *Famiglia Cristiana, Il Giornale, La Stampa* (Italy); *Al Fajr, Al Quds, Al-Sha'ab, An-Nahar*, Arab Media Center (AMC), Jerusalem Media and Communications Centre (JMCC) (Jerusalem); *Luxemburger Wort* (Luxembourg); ANP (Algemeen Nederlands Persbureau), *De Volkskrant, NRC Handelsblad* (The Netherlands); *Aftenposten* (Norway); *CMR, Diario de Noticias, Jornal de Noticias, O Jornal, Público, TSF* (Portugal); *El Mundo* (Spain); *Svenska Dagbladet* (Sweden); *La Liberté, Neue Zürcher Zeitung* (Switzerland); *The European, Financial Times, The Guardian*, and *The Independent* (United Kingdom).

SUMMARY OF DISCUSSIONS

The Encounter generated a wide-ranging and candid discussion on the peace process initiated in Madrid and continued in Washington, D.C., during the course of the Encounter.

A number of issues of particular importance were recognized, and there emerged significant points of agreement among the participants. The fact that this meeting took place under United Nations auspices and at this moment in the Middle East peace process was considered by all to be of singular value and usefulness. It was agreed by the participants that the occasion offered the potential for a parallel track, though an informal one, for the parties to meet and test their ideas on difficult subjects.

Three issues were repeatedly advanced during the discussions, namely, the welcoming of Europe as a significant player, economically and politically, in the ongoing peace process; the renewed recognition of the United Nations role in constructive peace-building; and the importance of the consensus of the international community as the ultimate legitimate framework for a successful outcome to the negotiations and the positive evolution of dialogue between the parties to the conflict.

One panellist, a Member of the Israeli Knesset, noted that one of the most important indications of change in the region was the growing convergence between Israel and its neighbours in their visions of the future. This had been made possible, in part, by the fact that on 22 June 1992 Israel fully recognized UN Security Council resolution 242 (1967) and closed for good the option of its continued sovereignty over the occupied territories.

The participants unanimously agreed on the right of the Palestinians to define themselves as a people, not a national minority. They agreed also that significant recent changes in atmosphere, style and—to an untested degree—substance had the potential for fuelling real progress in the peace process. But, in the participants' view, the ability of all parties to seize the moment and take advantage of the current climate may determine whether there is success soon, or, in the long run, stalemate. Time is of the essence, participants said, if a new era is to prevail in the Middle East.

SUMMARY OF SPEAKERS

Duarte Ivo Cruz, in his opening statement, said that the theme of the meeting was one to which Portugal was deeply committed. The Portuguese Government reaffirmed its commitment to Security Council resolution 242, welcomed the Israeli Government's more positive attitude in the negotiations and appealed to all parties to undertake substantive measures.

Giorgio Giacomelli, in his comments outlining a United Nations perspective, reminded the participants that it was a UN resolution which legally paved the way for the creation of the State of Israel and that it was another UN resolution which gave international recognition to the inalienable rights of the Palestinian people. He asserted that Europe was part and parcel, histori-

cally and politically, of the Middle East scene, and said he believed that its input was especially needed at a time when the old bipolarity was waning. "A renewed UN of the post-cold-war era can also, and must, play a role", he said.

Mustapha Tlili spoke on behalf of DPI. He emphasized that the Encounter was intended neither as a negotiating mechanism, a conference nor any other forum defined by formal statements and final resolutions. It was a gathering of men and women engaged in an informal and open exchange on ways to build peace in the Middle East.

William B. Quandt, Senior Fellow, Brookings Institution, Washington, D.C. offered the observation that for the first time both sides had agreed to accept a common set of procedural arrangements; Palestinians were represented in negotiations on their own behalf; and Palestinians accepted that there was no guarantee on the final result of the process. He observed that there was a common interest and strong incentive for all sides to move quickly towards agreement. He hoped that disagreement on the details of the Palestinian self-governing interim arrangement would not be a cause of lost time. "In reference to the apparent deadlock now in the Palestinian-Israeli negotiations on an interim arrangement", he said, "both sides should at least agree on some principles. Some simple joint statement, some slight changes of words, could begin to give the impression that things are moving, and this would, in fact, keep things moving."

Jamil Hilal, Director of the Information Department of the Palestine Liberation Organization (PLO), said there were some basic questions that could not be avoided. Most particularly, while there could be stages to a solution regarding Jerusalem, East Jerusalem must be recognized as the capital of a Palestinian State. Jerusalem could be the capital for two states, and these details could be worked out at a later date. Sovereignty over the land in the interim period was another prerequisite for an agreement, as was the right of the interim self-governing authority to legislate.

Avraham Burg, Member of the Israeli Knesset, wished first and foremost to assure the participants of the total commitment of the Labour Party to Security Council resolution 242 and its applicability to all occupied territories. But he stressed that if one put Jerusalem first on the negotiating agenda, the other easier issues might never be solved. He went on to say that the new Government in Israel had been elected in a narrow victory, and this mandate was for an interim solution. His advice to Palestinians was, therefore, to take advantage of the Labour Party's four-year-mandate. He added that he must compromise with his dreams, and perhaps Palestinians must compromise as well with theirs. He affirmed that he was ready to suffer this pain for the sake of peace.

Francisco Henriques da Silva, Director for Middle East and Maghreb Affairs, Ministry of Foreign Affairs of Portugal, observed that a breakthrough in one negotiating track could induce movement in all tracks. The key was to engage and take small steps. The European Communities (EC) and Portugal were committed to this peace process, to which there was no viable alternative. He added that the role of the EC was increasing incrementally and that the EC insisted on both economic and political involvement. He said that one often heard that the EC speaks with many different voices, but he assured the audience that on this issue the EC has a single voice.

In discussions of what the future can hold, **Walid Al-Sa'adi,** Personal Representative of H.R.H. Crown Prince Hassan of Jordan, started off by saying: "We shouldn't be hasty in passing judgement on all the proposals and counter-proposals revealed by the different negotiating teams to the press." He affirmed that in Jordan people believed there was real change in Israel. They were not sure of the depth and nature of the change, but would give it the benefit of the doubt. He believed that the peoples of the region needed to be part of the peace process. "We must develop a culture for peace", he said. "This will give the peace process depth." Finally, he felt certain that the International Covenant on Civil and

Political Rights, which had been ratified last year by Israel, was an instrument that could contribute significantly to the peace process. In his view, "Its implications for the protection of human rights in the occupied territories could be far-reaching."

Hisham Mustapha, of the PLO Arab and International Affairs Department and member of the PNC, said that in 1988 the Palestine National Council defined its vision ot the future, and there was room for Israelis in it. "Our vision is based on reciprocity, mutual exchange, as well as legality." He said that many told the Palestinians not to put excessive hope in the peace process, but that they should not put a damper on peace. He went on to say: "We do want to create a Middle East that is different from this one. There must be interdependence. But to reach that goal, we need to proceed through independence. Then we can extend our hand to our neighbours."

Naomi Chazan, Member of the Israeli Knesset, said that the new Israeli Government's absolute commitment to peace in the region could not be exaggerated. The status quo was recognized as untenable. Peace, not war, was now being equated with security. She said that political treaties were required for the future, but that the Israeli vision was also socio-economic. Israel was striving to become part of the region in cultural terms. She said, however, that there were two major constraints: time and national will. She hoped the latter would not fade before the former was gone.

Hans Stercken, Chairman of the Foreign Relations Committee of the German Bundestag, addressed the theme of Europe's contribution to the peace process. He said that the acceptance of the principles of the Helsinki Final Act had provided the key for the great changes in Europe, and had shown that it was not possible to solve problems without acceptance of the principles of democracy and respect for human rights. He believed that there were also possibilities that could be put to use within the framework of the Conference on Security and Cooperation in the Mediterranean (CSCM), which could address the security of all countries of the area, as well as questions such as nuclear, biological and chemical weapons and democracy and human rights.

Ziad Abu Zayyad, adviser to the Palestinian Negotiating Team to the peace talks, said that he did not underestimate the changes in Israel. But he felt that the confidence-building measures taken by Israel had been seen in an exaggerated perspective. The Israeli Government should also understand that the solution to the interim period had to be a political solution, not an administrative one. He stated also that the discussion on the future of Jerusalem should not be postponed.

Mr. Burg, in later comments, stated that Europe should develop serious funding for both the Palestinian and the Israeli economies. In his opinion, this would truly help create a new Middle East.

The Moderator, **Mr. Giacomelli**, closed the Encounter, noting that it was the sentiment of a number of the participants that the initiative of this International Encounter on the Question of Palestine, initiated by DPI in Helsinki last year, should be pursued at an appropriate future date in Jerusalem, and that it could offer an innovative way for the UN to contribute to the peace process.

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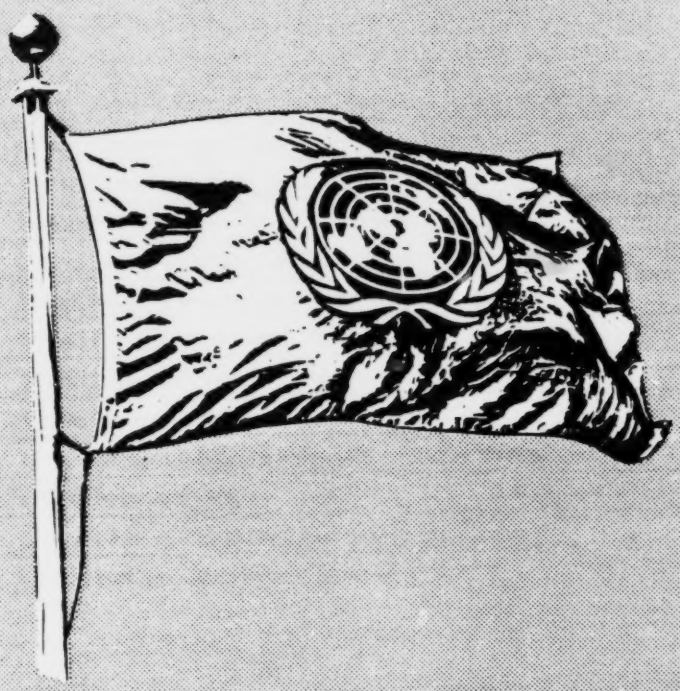
UNITED NATIONS PEACE-KEEPING OPERATIONS



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COMMUNICATIONS AND PROJECT MANAGEMENT DIVISION
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UNITED NATIONS PEACE-KEEPING OPERATIONS PAST AND PRESENT

UNTSO
United Nations Truce Supervision Organization
June 1948 - To present

UNMOGIP
United Nations Military Observer Group in India and Pakistan
January 1949 - To present

UNEF I
First United Nations Emergency Force
November 1956 - June 1967

UNOGIL
United Nations Observation Group in Lebanon
June 1958 - December 1958

ONUC
United Nations Operation in the Congo
July 1960 - June 1964

UNSF
United Nations Security Force in West New Guinea (West Irian)
October 1962 - April 1963

UNYOM
United Nations Yemen Observation Mission
July 1963 - September 1964

UNFICYP
United Nations Peace-keeping Force in Cyprus
March 1964 - To present

DOMREP
Mission of the Representative of the Secretary-General in the Dominican Republic
May 1965 - October 1966

UNIPOM
United Nations India-Pakistan Observation Mission
September 1965 - March 1966

UNEF II
Second United Nations Emergency Force
October 1973 - July 1979

UNDOF
United Nations Disengagement Observer Force
June 1974 - To present

UNIFIL
United Nations Interim Force in Lebanon
March 1978 - To present

UNGOMAP
United Nations Good Offices Mission in Afghanistan and Pakistan
April 1988 - March 1990

UNIIMOG
United Nations Iran-Iraq Military Observer Group
August 1988 - February 1991

UNAVEM
United Nations Angola Verification Mission
January 1989 - June 1991

UNTAG
United Nations Transition Assistance Group
April 1989 - March 1990

ONUCA
United Nations Observer Group in Central America
November 1989 - January 1992

UNIKOM
United Nations Iraq-Kuwait Observation Mission
April 1991 - To present

UNAVEM II
United Nations Angola Verification Mission II
June 1991 - To present

ONUSAL
United Nations Observer Mission in El Salvador
July 1991 - To present

MINURSO
United Nations Mission for the Referendum in Western Sahara
September 1991 - To present

UNAMIC
United Nations Advance Mission in Cambodia
October 1991 - March 1992

UNPROFOR
United Nations Protection Force
March 1992 - To present

UNTAC
United Nations Transitional Authority in Cambodia
March 1992 - To present

UNOSOM
United Nations Operation in Somalia
April 1992 - To present

UNITED NATIONS TRUCE SUPERVISION ORGANIZATION

HEADQUARTERS: Government House, Jerusalem

DURATION: June 1948 - to date

STRENGTH: Currently is being reduced from 298 to 224 military observers

FATALITIES: 28

CHIEF OF STAFF: Major-General Hans Christensen (Finland)

BACKGROUND

From its early days, the United Nations has been concerned with the Arab-Israeli conflict in the Middle East. Since 1948, there have been five full-fledged wars directly connected with the conflict, and five United Nations peace-keeping operations have been established in the region. Of these, three are still deployed.

The Arab-Israeli conflict has its origins in the problem of Palestine, which was brought before the United Nations early in 1947. At the time, Palestine was a Territory administered by the United Kingdom under a Mandate from the League of Nations, with a population of about 2 million, two thirds of whom were Arabs and one third, Jews.

In November 1947, the General Assembly endorsed a plan for the partition of the Territory, providing for the creation of an Arab State and a Jewish State, with Jerusalem to be placed under international status. The plan was not accepted by the Palestinian Arabs and Arab States.

On 14 May 1948, the United Kingdom relinquished its Mandate over Palestine and the State of Israel was proclaimed. On the following day, the Palestinian Arabs, assisted by Arab States, opened hostilities against Israel.

ESTABLISHMENT OF UNTSO

On 29 May, the Security Council, in its resolution 50 (1948), called for a cessation of hostilities in Palestine and decided that the truce should be supervised by the United Nations Mediator, with the assistance of a group of military observers. This resolution formed the basis for the establishment of the first United Nations peace-keeping operation which became known as the United Nations Truce Supervision Organization (UNTSO). The first group of observers arrived in the region between 11 and 14 June 1948 and were immediately deployed in Palestine and some of the Arab countries.

UNTSO'S OPERATIONS

While UNTSO was initially used in supervising the original truce of 1948, its function was radically altered in 1949 with the conclusion of four General Armistice Agreements between Israel and the four neighbouring Arab countries (Egypt, Jordan, Lebanon and Syria). Its main responsibility then was to assist the parties in supervising the application and observance of those Agreements. Its headquarters was established at Government House in Jerusalem, where it remains today.

Following the 1967 war, UNTSO established two cease-fire observation operations, in the Israel-Syria sector and in the Suez Canal zone. In 1972 a similar operation was set up in southern Lebanon. When UN peace-keeping forces were later deployed, in the Sinai in 1973, on the Golan Heights in 1974 and in southern Lebanon in 1978, UNTSO observers were attached to the new forces to assist them in their operations.

Today, UNTSO observers continue to be assigned to the United Nations Disengagement Observer Force (UNDOF) on the Golan Heights in the Israel-Syria sector. They man eleven observation posts located in the area of separation maintained by the Force and in the vicinity of the lines on both sides. They also conduct the fortnightly inspections of the areas of limitation in armaments and forces provided for under the disengagement agreement of 1974. This group of UNTSO observers is formed into Observer Group Golan

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(OGG). The Observer Detachment Damascus (ODD), a separate UNTSO unit, serves UNTSO in Syria and performs support functions for OGG.

In the Israel-Lebanon sector, UNTSO observers who have been detailed to assist the United Nations Interim Force in Lebanon (UNIFIL) form the Observer Group Lebanon (OGL). This Group, which is under operational control of the UNIFIL commander, maintains five observation posts along the Lebanese side of the Armistice Demarcation Line and operates four mobile teams in parts of the UNIFIL area of operation that are under Israeli control and where UNIFIL infantry units are not deployed.

UNTSO continues to maintain its presence in the Egypt-Israel sector, where its observers are organized as Observer Group Egypt (OGE). The Group operates four outposts in the Sinai and an outpost at Ismailia, and conducts patrols in most parts of the peninsula. OGE headquarters in Cairo maintains liaison for UNTSO with the Egyptian authorities.

In addition, UNTSO maintains offices in Amman, Beirut and Gaza.

OTHER ACTIVITIES

Over the years, UNTSO has also made available its personnel to assist in the setting up of other United Nations peace-keeping operations not connected with the Arab-Israeli conflict. The rapid deployment of experienced United Nations observers has been most valuable in setting up the United Nations Operation in the Congo (ONUC) in 1960, the United Nations Yemen Observation Mission (UNYOM) in 1963, the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP), the United Nations Iran-Iraq Military Observer Group (UNIIMOG) in 1988 and the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in 1991.

COMPOSITION OF UNTSO

The strength of UNTSO is currently being reduced from 298 to 224 military observers. They are provided by 19 contributing countries: Argentina, Australia, Austria, Belgium, Canada, Chile, China, Denmark, Finland, France, Ireland, Italy, Netherlands, New Zealand, Norway, Russian Federation, Sweden, Switzerland, United States.

FINANCIAL ASPECTS

Since its establishment in 1948, UNTSO has been financed from the regular budget of the United Nations. Its costs are therefore assessed as part of each biennial programme budget. The annual cost of the operation is approximately $31 million.

UNITED NATIONS DISENGAGEMENT OBSERVER FORCE

LOCATION: Syrian Golan Heights

HEADQUARTERS: Damascus

DURATION: June 1974 - to date

CURRENT STRENGTH: Approx. 1,130 troops assisted by 96 military observers of UNTSO's Observer Group Golan

FATALITIES: 31

FORCE COMMANDER: Major-General Roman Mizstal (Poland)

BACKGROUND

On 6 October 1973, war erupted again in the Middle East between Egyptian and Israeli forces in the Suez Canal area and the Sinai and between Israeli and Syrian forces on the Golan Heights. On 24 October, as fighting between Egypt and Israel reached a critical stage, the Security Council decided to set up a second United Nations Emergency Force (UNEF II). The Force was immediately moved into place between the Israeli and Egyptian armies in the Suez Canal area, and its arrival effectively stabilized the situation.

In the Israel-Syria sector tension remained high, and from March 1974 the situation became increasingly unstable. Against this background, the United States undertook a diplomatic initiative, which resulted in the conclusion of an Agreement on Disengagement between Israeli and Syrian forces. The Agreement provided for an area of separation and for two equal zones of limited forces and armaments on both sides of the area, and called for the establishment of a United Nations observer force to supervise its implementation. The Agreement was signed on 31 May 1974.

ESTABLISHMENT OF UNDOF

Later on the same day, the Security Council adopted resolution 350 (1974) by which it set up the United Nations Disengagement Observer Force (UNDOF). As provided in the Agreement on Disengagement, UNDOF's mandate was to maintain the cease-fire between Israel and Syria, to supervise the disengagement of Israeli and Syrian forces, and to supervise the areas of separation and limitation. Since then, the Security Council has periodically extended UNDOF's mandate for periods of six months at a time.

UNDOF'S ACTIVITIES

Advance parties of the Force arrived in the area on 3 June 1974 and within two weeks its total strength was brought to near its then authorized level of about 1,250. Following the completion of the disengagement operation and the delineation of the lines bounding the area of separation, UNDOF set up a series of check-points and observation posts within that area. In addition, two base camps were established, one on the east side of the area of separation and the other on the west side.

In the area of separation UNDOF operates static positions and observation posts, which are manned 24 hours a day, and conducts patrols by vehicle or on foot along predetermined routes by day and night. Temporary outposts and additional patrols are set up from time to time to perform specific tasks.

Under a programme undertaken by the Syrian authorities, civilians have continued to return to the area of separation, the population of which has doubled since the establishment of UNDOF. The Syrian Arab Republic has stationed police in the area of separation in exercise of its administrative responsibility. UNDOF has adjusted its operations accordingly to take account of these developments and to continue to carry out effectively its supervisory tasks under the Agreement on Disengagement.

UNDOF headquarters maintains close liaison with the Israeli and the Syrian authorities through their senior

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military representatives. At the local level, the commanders of the UNDOF units maintain liaison with one side or the other through liaison officers designated by the parties.

UNDOF conducts fortnightly inspections of armament and force levels in the area of limitation. These inspections are carried out with the assistance of liaison officers from the parties, who accompany the inspection teams. The findings of the inspection teams are communicated to the two parties. The inspections have generally proceeded smoothly with the cooperation of the parties concerned, although on both sides restrictions are regularly placed on the movement of the teams in some localities.

UNDOF has thus continued to perform its tasks effectively, with the cooperation of the parties, and the area has remained generally quiet.

HUMANITARIAN FUNCTIONS

In addition to its normal peace-keeping functions, UNDOF has carried out activities of a humanitarian nature. At the request of the parties, UNDOF has from time to time exercised its good offices in arranging for the transfer of released prisoners and the bodies of war dead between Israel and Syria. It has assisted the International Committee of the Red Cross by providing it with facilities for the hand-over of prisoners and bodies, for the exchange of parcels and mail and for the passage of persons and personal effects across the area of separation.

COMPOSITION

UNDOF was originally composed of Austrian and Peruvian infantry units and Canadian and Polish logistic elements transferred from the Second United Nations Emergency Force (UNEF II). The Peruvian contingent was withdrawn in July 1975 and replaced by an Iranian contingent. This contingent was in turn withdrawn in March 1979 and replaced by a Finnish contingent. Currently, UNDOF is composed of contingents from Austria, Canada, Finland and Poland, as well as a number of military observers, detailed from UNTSO. In addition, UNTSO observers assigned to the Israel-Syria Mixed Armistice Commission assist UNDOF as the occasion requires.

FINANCIAL ASPECTS

From its inception, UNDOF has been financed from the special account established for UNEF II. Following the termination of UNEF II in July 1979, the account remained open for UNDOF. The annual cost to the United Nations of the operation is approximately $43 million. As at 31 August 1992, total contributions outstanding to the Special Account for the period from the inception of the operation to 30 November 1992 amounted to approximately $21 million.

UNITED NATIONS INTERIM FORCE IN LEBANON

LOCATION: Southern Lebanon

HEADQUARTERS: Naqoura

DURATION: March 1978 - to date

STRENGTH: The strength is currently being reduced from 5,800 troops to about 5,300. UNIFIL is assisted by 65 military observers of UNTSO's Observer Group Lebanon.

FATALITIES: 188

FORCE COMMANDER: Lieutenant-General Lars-Eric Wahlgren (Sweden)

BACKGROUND

In the early 1970s, tension along the Israeli-Lebanon border increased, especially after the relocation of Palestinian armed elements from Jordan to Lebanon. Palestinian commando operations against Israel and Israeli reprisals against Palestinian bases in Lebanon intensified. On 11 March 1978, a commando attack in Israel resulted in many dead and wounded among the Israeli population; the Palestine Liberation Organization (PLO) claimed responsibility for that raid. In retaliation, Israeli forces invaded Lebanon on the night of 14/15 March, and in a few days occupied the entire southern part of the country except for the city of Tyre and its surrounding area.

ESTABLISHMENT OF UNIFIL

On 15 March, the Lebanese Government submitted a strong protest to the Security Council against the Israeli invasion, stating that it had no connection with the Palestinian commando operation. On 19 March, the Security Council adopted resolutions 425 (1978) and 426 (1978), in which it called upon Israel immediately to cease its military action and withdraw its forces from all Lebanese territory. It also decided to establish immediately a United Nations interim force for southern Lebanon for an initial period of six months, subject to extension. The United Nations Interim Force in Lebanon (UNIFIL) was set up with the mandate to confirm the withdrawal of Israeli forces from southern Lebanon, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area. The first UNIFIL troops arrived in the area on 23 March 1978.

UNIFIL'S ACTIVITIES

Until now, however, it has not yet been possible for UNIFIL to carry out in full its original mandate. From its inception, the Force had to operate under extremely difficult conditions. The PLO and the Government of Israel never fully accepted the UNIFIL mandate with all its implications. Given these attitudes, the Force was prevented from deploying fully in the area evacuated by the Israeli forces between April and June 1978. In fact, the enclave along the border was turned over to the "de facto forces" (Christian and associated militias supported and supplied by Israel). Israel, thus, retained a degree of military power in the area and continued its fight against the PLO and its Lebanese allies. UNIFIL's efforts to implement its mandate in these conditions inevitably met with only partial success and caused the Force to suffer significant casualties.

In June 1982, Israel invaded Lebanon again. This invasion changed UNIFIL's situation drastically. For three years, UNIFIL in its entirety remained behind the Israel lines, with its role limited to providing protection and humanitarian assistance to the local population to the extent possible.

In 1985, Israel carried out a partial withdrawal but it retained control of an area in southern Lebanon, manned by the Israel Defence Forces (IDF) and by Lebanese de facto forces (DFF), the so-called "South Lebanon Army". IDF/DFF remain targets for attacks by armed groups opposed to the occupation. For their part, IDF/DFF react vigorously to these attacks, often with heavy weapons and with air support from Israel.

UNIFIL has thus been prevented from carrying out its mandate. In the circumstances, it endeavours, to the

best of its ability, to prevent its area of operations from being used for hostile activities and to protect civilians caught in the conflict.

UNIFIL's operations are based on a network of positions which are manned 24 hours a day. The Force maintains 45 checkpoints, whose function is to control movement on the principal roads in UNIFIL's area; 95 observation posts, whose function is to observe movement on and off the roads; and 29 checkpoints/observation posts which combine the functions of control and observation. Each is assigned responsibility for ensuring that hostile activities are not undertaken from the area surrounding it. This involves not only keeping watch from the position but also patrolling by foot or vehicle in its vicinity. In addition, unarmed military observers of the United Nations Truce Supervision Organization (UNTSO) man five observation posts and operate four mobile teams in the area under Israeli control. The UNTSO observers are under the operational control of UNIFIL's Commander.

UNIFIL's network of positions and the patrols mounted from them also play a central role in the Force's performance of its humanitarian task. They provide the civilian population with protection and with a source of help if they are subjected to harassment. Within available resources, UNIFIL also provides civilians with medical supplies, water, food, fuel, electricity, engineering work and escort for farmers. UNIFIL medical centres and mobile teams provided care to an average of 3,000 civilian patients per month and a field dental programme was also provided.

In accordance with its mandate of assisting the Government of Lebanon in ensuring the return of its effective authority in the UNIFIL area, UNIFIL and the Lebanese military authorities worked out arrangements for the transfer to the Lebanese army of responsibility for the western part of the Force's Ghanaian battalion sector. The handover, which involved the vacating of eight UNIFIL positions, was completed in early April 1992.

In July 1992, in his report to the Security Council, the Secretary-General stated that despite the fact that UNIFIL had merely succeeded in limiting the consequences of actions by the parties, its contribution to stability in the region remained important. He recommended to extend UNIFIL's mandate for a further period of six months, that is until 31 January 1993. The Security Council approved this recommendation.

COMPOSITION OF UNIFIL

Currently, the strength of UNIFIL is being reduced from 5,800 troops to about 5,300, to be reached by the end of 1992. Military personnel are provided by Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway and Sweden. In addition, 65 military observers from UNTSO's Observer Group Lebanon assist the Force in the performance of its tasks.

FINANCIAL ASPECTS

The annual cost to the United Nations of UNIFIL is approximately $153 million. The costs of the operation are met by the assessed contributions of the United Nations Member States. As at 31 August 1992, total contributions outstanding to the UNIFIL Special Account amounted to approximately $228 million.

UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN

LOCATION: The cease-fire line between India and Pakistan in the State of Jammu and Kashmir

HEADQUARTERS: Rawalpindi (November-April), Srinagar (May-October)

DURATION: January 1949 - to date

STRENGTH: 40 military observers

FATALITIES: 6

CHIEF MILITARY OBSERVER: Brigadier-General Ricardo Jorge Galarza-Chans (Uruguay)

BACKGROUND

For nearly four decades, the United Nations has been concerned with the conflict between India and Pakistan over the status of the State of Jammu and Kashmir. In August 1947, India and Pakistan became independent. Under the scheme of partition provided by the Indian Independence Act of 1947, Kashmir was free to accede to India or Pakistan. Its accession to India became a matter of dispute between the two countries and fighting broke out later that year.

The question first came before the Security Council in January 1948, when India complained that tribesmen and others, with Pakistan's support and participation, were invading Kashmir and extensive fighting was taking place. Pakistan denied the charges and declared that Kashmir's accession to India was illegal.

ESTABLISHMENT OF UNMOGIP

On 20 January, the Security Council adopted resolution 39 (1948) establishing a three-member United Nations Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. On 21 April 1948, by its resolution 47 (1948), the Council decided to enlarge the membership of UNCIP and recommended various measures, including the use of observers, to stop the fighting. The cease-fire between India and Pakistan came into effect on 1 January 1949, and a first group of UN military observers arrived in the area on 24 January. On 18 July 1949, India and Pakistan signed the Karachi Agreement establishing a cease-fire line to be supervised by the observers. These observers formed the nucleus of the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

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UNMOGIP'S ACTIVITIES

Following the termination of UNCIP, the Security Council, by its resolution 91 (1951) of 30 March 1951, decided that UNMOGIP should continue to supervise the cease-fire in Kashmir. Since that time, UNMOGIP has functioned as an autonomous operation, directed by the Chief Military Observer. UNMOGIP's functions were to observe and report, investigate complaints of cease-fire violations and submit its findings to each party and to the Secretary-General.

In early August 1965, hostilities again broke out on a large scale along the cease-fire line in Kashmir, and eventually spread to the international border between India and West Pakistan. The Security Council called for a cease-fire and a withdrawal of all armed personnel to the positions held before the hostilities began.

In Kashmir, the supervision called for by the Council was exercised by UNMOGIP. In addition, since the hostilities extended beyond the Kashmir cease-fire line, the Secretary-General established an administrative adjunct of UNMOGIP, the United Nations India-Pakistan Observation Mission (UNIPOM), as a temporary measure for the sole purpose of supervising the cease-fire along the India-Pakistan border outside the State of Jammu and Kashmir. Following the withdrawal of troops in February 1966, UNMOGIP reverted to its original task, while UNIPOM was terminated.

At the end of 1971, full-scale hostilities again broke out between India and Pakistan. By the time fighting had ended and a cease-fire had gone into effect, a number of positions on both sides of the 1949 cease-fire line had changed hands. In July 1972, India and Pakistan signed an agreement defining a Line of Control

in Kashmir which, with minor deviations, followed the same course as the cease-fire line established by the Karachi Agreement of 1949. India took the position that the mandate of UNMOGIP had lapsed, since it had related specifically to the cease-fire line under the Karachi Agreement and did not extend to the actual line of control that had come into existence in December 1971. Pakistan, however, did not accept this position.

PRESENT SITUATION

Given the disagreement between the two parties about UNMOGIP's mandate and functions, the Secretary-General's position has been that UNMOGIP can be terminated only by a decision of the Security Council. In the absence of such a decision, UNMOGIP has been maintained with the same administrative arrangements. Its task is to observe, to the extent possible, developments pertaining to the strict observance of the cease-fire of 17 December 1971 and to report thereon to the Secretary-General. The military authorities of Pakistan have continued to lodge with UNMOGIP complaints about cease-fire violations. The military authorities of India have lodged no complaints since January 1972 and have restricted the activities of the United Nations' observers on the Indian side of the Line of Control. They have, however, continued to provide accommodation, transport and other facilities to UNMOGIP.

The Observer Group's Headquarters alternates between Srinagar in summer (mid-May to mid-November) and Rawalpindi in winter. An operational staff office is maintained in one of those two cities when it is not hosting the headquarters. The supervision of the cease-fire in the field is carried out by a number of field observation teams stationed on both sides of the line of control and also along the border between Pakistan and Kashmir.

COMPOSITION OF UNMOGIP

The strength of UNMOGIP is about 40 military observers from eight countries: Belgium, Chile, Denmark, Finland, Italy, Norway, Sweden and Uruguay.

FINANCIAL ASPECTS

UNMOGIP is financed from the regular budget of the United Nations. The annual cost of the operation is approximately $5 million.

PS/DPI/9/Rev. 2 — September 1992

UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS

LOCATION: Cyprus

HEADQUARTERS: Nicosia

DURATION: March 1964 - to date

CURRENT STRENGTH: Approximately 2,100 troops and 38 civilian police

FATALITIES: 158

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL: Mr. Oscar Camilión (Argentina)

FORCE COMMANDER: Major-General Michael F. Minehane (Ireland)

BACKGROUND

Cyprus became independent on 16 August 1960 with a Constitution that was intended to balance the interests of the island's Greek Cypriot and Turkish Cypriot communities. A treaty of August 1960, entered into by Cyprus, Greece, Turkey and the United Kingdom guaranteed the basic provisions of the Constitution and the territorial integrity and sovereignty of Cyprus.

The application of the provisions of the Constitution, however, encountered difficulties from the very beginning and led to a succession of constitutional crises. The accumulated tension between the two communities resulted in the outbreak of violence on the island on 21 December 1963.

On 27 December, the United Nations Security Council met to consider a complaint by Cyprus charging intervention in its internal affairs and aggression by Turkey. Turkey maintained that Greek Cypriot leaders had tried for more than two years to nullify the rights of the Turkish Cypriot community and denied all charges of aggression.

ESTABLISHMENT OF UNFICYP

On 15 February 1964, after all attempts to restore peace on the island had failed, the representatives of the United Kingdom and of Cyprus requested urgent action by the Security Council. On 4 March 1964, the Council unanimously adopted resolution 186 (1964), by which it recommended the establishment of the United Nations Peace-keeping Force in Cyprus (UNFICYP) with a mandate to prevent the recurrence of fighting, help maintain law and order, and promote a return to normal conditions. Since then, the Council has periodically extended UNFICYP's mandate, usually for periods of six months at a time.

MAINTENANCE OF THE CEASE-FIRE AND THE STATUS QUO

In connection with the hostilities in July and August 1974, the Security Council adopted a number of resolutions which have affected the functioning of UNFICYP and have required the Force to perform certain additional functions relating, in particular, to the maintenance of the cease-fire.

Following a de facto cease-fire, which came into effect on 16 August 1974, UNFICYP inspected the deployment of the Cyprus National Guard and the Turkish and Turkish Cypriot forces, and cease-fire lines and a buffer zone were established between the areas controlled by the opposing parties. The cease-fire lines extend approximately 180 kilometres across the island. The buffer zone between the lines varies in width from less than 20 metres to some 7 kilometres, and it covers about 3 per cent of the island, including some of the most valuable agricultural land.

Strict adherence to the military status quo in the buffer zone, as recorded by UNFICYP at the time, has become a vital element in preventing a recurrence of fighting. UNFICYP maintains constant surveillance through a system of 150 observation posts, 51 of which are permanently manned, and through air, vehicle and foot patrols. The Force maintains a patrol track, which runs the length of the buffer zone and is used for surveillance, monitoring of agricultural activities, the

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resupply of observation posts and rapid reaction to any incidents.

The task of UNFICYP is significantly complicated by the absence of a formal cease-fire agreement. As a result, UNFICYP is confronted with hundreds of incidents each year. The most serious incidents tend to occur in areas where the cease-fire lines are in close proximity to each other, particularly in Nicosia and its suburbs. The Force investigates and acts upon all violations of the cease-fire and the status quo. Its reaction in each particular case depends on the nature of the incident and may include the deployment of troops, verbal and written protests and follow-up action to ensure that the violation has been rectified or will not recur.

HUMANITARIAN ACTIVITIES

Another major function entrusted to UNFICYP is to encourage the fullest possible resumption of normal civilian activity in the buffer zone. To this end, it facilitates the resumption of farming in the buffer zone; assists both communities on matters related to the supply of electricity and water across the lines; facilitates normal contacts between Greek and Turkish Cypriots; provides emergency medical services; and delivers mail and Red Cross messages across the lines. UNFICYP discharges certain humanitarian functions for the Greek Cypriots living in the northern part of the island and periodically visits Turkish Cypriots living in the southern part. In addition, UNFICYP delivers supplies to the small Maronite community in the northern part and generally assists them in humanitarian matters. UNFICYP also cooperates with the United Nations High Commissioner for Refugees in providing relief assistance.

COMPOSITION OF UNFICYP

The operational elements of UNFICYP comprise military and civilian police personnel from Australia, Austria, Canada, Denmark, Finland, Ireland, Sweden and the United Kingdom.

FINANCIAL ASPECTS

UNFICYP is the only United Nations peace-keeping operation that is not financed from assessed contributions by States members of the Organization. In accordance with Security Council resolution 186 (1964), the costs of the Force are met by the Governments providing the military contingents and by voluntary contributions received for this purpose by the United Nations. In addition, the Government of Cyprus provides at no cost areas for the headquarters, camps and other premises of UNFICYP. The annual cost of UNFICYP to the United Nations is approximately $31 million.

Under the existing arrangements, the troop-contributing Governments make available to the United Nations troops whose regular pay and allowances and normal *matérial* expenses, as well as certain extra and extraordinary costs they have agreed to pay themselves. The United Nations is responsible for the operational costs for administrative and logistic support (e.g., rations, fuel, hire of vehicles, maintenance of premises, salaries and travel of non-military personnel) and for extra and extraordinary costs incurred by the troop-contributing Governments for which they seek reimbursement on the basis of separate agreements concluded by the United Nations with each of those Governments. These costs can be paid only from the voluntary contributions received for this purpose. Voluntary contributions, however, consistently fall short of the required funds, leaving the Special Account for UNFICYP with a total deficit of approximately $193 million for the period from the inception of the Force to mid-June 1992. As a result, reimbursement claims from the troop-contributing countries have been paid only up to December 1981.

The Secretary-General has repeatedly voiced his profound concern about the worsening financial situation confronting UNFICYP. He suggested that the Force should be put on a sound and secure financial basis and that the best way to finance UNFICYP would be for the United Nations share of the costs to be met from assessed contributions.

RESTRUCTURING OF UNFICYP

In his April 1992 report to the Security Council, the Secretary-General described the increasing uneasiness of the troop-contributing Governments about the lack of progress towards a lasting solution to the Cyprus problem and about the deteriorating financial situation of the Force. That dissatisfaction increased further when, in December 1991, the Council decided that it would be unable to approve assessed funding for UNFICYP. The Secretary-General pointed out that two of the four main contributors indicated the unlikelihood of their ability to maintain their presence in UNFICYP for more

than another mandate period, while a third contributor stated that it was re-examining its role in the Force.

In his further report, in May 1992, on the activities of UNFICYP, the Secretary-General drew attention to the need for consultations to be held with the troop-contributing countries to clarify their precise intentions on participation in the Force, including the timing of any reductions or withdrawals of their contingents, and to explore the possible future options for UNFICYP. He proposed extension of UNFICYP's mandate subject to possible changes in its size and the nature of its mandate for which he might seek the Council's approval in the light of those consultations. On 12 June 1992, the Security Council extended the Force's mandate for a further six months, to 15 December 1992. The Council requested the Secretary-General, after consulting the troop-contributing Governments, to submit specific proposals on the restructuring of the Force.

UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

LOCATION: The demilitarized zone along the boundary between Iraq and Kuwait

HEADQUARTERS: Umm Qasr

DURATION: April 1991 - to date

AUTHORIZED STRENGTH: 300 military observers and 200 other military personnel

FATALITIES: 1

CHIEF MILITARY OBSERVER: Major-General Timothy K. Dibuama (Ghana)

BACKGROUND

On 2 August 1990, Iraq invaded and occupied Kuwait. The same day, the United Nations Security Council condemned the invasion and demanded Iraq's immediate and unconditional withdrawal. A few days later, the Council instituted economic sanctions against Iraq. The Council subsequently adopted a number of resolutions on various aspects of the situation and, on 29 November 1990, it decided to give Iraq until 15 January 1991 to implement those resolutions; if not, Member States cooperating with the Government of Kuwait were authorized to use "all necessary means" to uphold and implement the Council's resolutions and to restore international peace and security in the area. The deadline passed and the next day the armed forces of those States began air attacks against Iraq, followed on 24 February by a ground offensive. Hostilities were suspended on 27 February, by which time the Iraqi forces had vacated Kuwait. On 3 April 1991, while still maintaining the economic sanctions against Iraq, the Security Council adopted resolution 687 (1991) which set an elaborate series of conditions for a cease-fire and established the machinery for the supervision of those conditions. Following Iraq's acceptance of that resolution's provisions, the cease-fire became a formal one.

ESTABLISHMENT OF UNIKOM

By resolution 687 (1991) the Council established, among other things, a demilitarized zone (DMZ) along the boundary between Iraq and Kuwait to be monitored by a United Nations observer unit and requested the Secretary-General to submit to the Council for approval a plan for the unit's immediate deployment. The Secretary-General reported back on 5 April 1991, and on 9 April the Security Council approved his plan for the setting up of the United Nations Iraq-Kuwait Observation Missions (UNIKOM) (resolution 689 (1991). It decided further that the modalities for the Mission should be reviewed every six months.The mandate of the Mission is to monitor the Khawr 'Abd Allah waterway between Iraq and Kuwait and the DMZ, based on the border established by the two countries under a 1963 agreement; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; and to observe any hostile action mounted from the territory of one State against the other. The Khawr 'Abd Allah waterway is about 40 kilometres (25 miles) long. The DMZ, which is about 200 kilometres (125 miles) long, extends 10 kilometres (6 miles) into Iraq and 5 kilometres (3 miles) into Kuwait.

The military observers of UNIKOM are unarmed. UNIKOM does not have the authority or the capacity to take physical action to prevent the entry of military personnel or equipment into the DMZ. Responsibility for the maintenance of law and order rests with the Governments of Iraq and Kuwait in their respective parts of the zone. In the DMZ, the police are only allowed sidearms.

UNIKOM'S ACTIVITIES

The UNIKOM advance party arrived in the area on 13 April 1991. By 6 May, the Mission was fully deployed. UNIKOM then monitored the withdrawal of the armed forces that were still deployed in its assigned

zone. That withdrawal having been completed, the DMZ established by the Security Council came into effect at 2000 hours GMT on 9 May, and UNIKOM assumed in full its observation responsibilities.

UNIKOM enjoys full freedom of movement throughout the DMZ and observes the length and breadth of the zone. It verifies that no military personnel and equipment are within the zone and that no military fortifications and installations are maintained in it. For operational purposes, UNIKOM has divided the DMZ into three sectors. Each sector has a headquarters and six observation posts/patrol bases, from which the observers patrol their assigned sectors and visit temporary observation points established in areas of particular activity or where roads and tracks enter the DMZ. In fact, all movements including supply runs are used for observation. UNIKOM patrols the Khawr 'Abd Allah waterway by helicopter and fixed-wing aircraft. There are also air patrols in the DMZ, especially in the southern sector, where mines and unexploded ordnance limit UNIKOM's ability to carry out ground patrols.

Mines and unexploded ordnance have been a serious hazard from the beginning of the Mission. UNIKOM engineers have cleared some 1,300 kilometres of patrol track as well as the sites for observation posts, camps and helicopter pads and disposed of some 12,000 mines and pieces of unexploded ordnance.

Iraqi and Kuwaiti authorities, including police, function in their respective part of the DMZ. However, UNIKOM established the principle that they should maintain a reasonable distance (about 1,000 metres) from the boundary line shown on UNIKOM's map. If their functions should require them to approach closer than 1,000 metres, the authorities are expected to consult UNIKOM in advance. Such consultation enables UNIKOM to take measures to avoid incidents.

UNIKOM has also maintained contact and provided support to other United Nations missions working in Iraq and Kuwait, in particular to the Iraq-Kuwait Boundary Demarcation Commission and to the United Nations office dealing with the return of property from Iraq to Kuwait.

UNIKOM headquarters is located at Umm Qasr. The Mission maintains liaison offices in Baghdad and Kuwait City and a logistic base at Doha (Kuwait).

VIOLATIONS AND COMPLAINTS

Since the DMZ came into effect on 9 May 1991, UNIKOM has observed three types of violations: minor incursions on the ground by small groups of soldiers; overflights by military aircraft; and the carrying by policemen of weapons other than sidearms. UNIKOM has also investigated a number of complaints by Iraq and Kuwait.

COMPOSITION

UNIKOM has an authorized strength of 300 unarmed military observers from the following countries: Argentina, Austria, Bangladesh, Canada, China, Denmark, Fiji, Finland, France, Ghana, Greece, Hungary, India, Indonesia, Ireland, Italy, Kenya, Malaysia, Nigeria, Norway, Pakistan, Poland, Romania, Russian Federation, Senegal, Singapore, Sweden, Thailand, Turkey, United Kingdom, United States, Uruguay and Venezuela. Administrative and logistic support is provided by Canada (engineers), Chile (helicopters), Denmark (logistics) and Norway (medical). Two fixed-wing aircraft made available by the Government of Switzerland are operated by civilians.

Initially, to provide essential security during the setting-up phase, UNIKOM included five infantry companies, drawn from the United Nations Peace-keeping Force in Cyprus (UNFICYP) and the United Nations Interim Force in Lebanon (UNIFIL). These troops were withdrawn by the end of June 1991.

FINANCIAL ASPECTS

The annual cost to the United Nations of the operation is approximately $67 million. The costs of the Mission are met by the assessed contributions of the United Nations Member States. As at 31 August 1992, total contributions outstanding to the Special Account for the period from the inception of the operation to 8 October 1992 amounted to approximately $35 million.

UNITED NATIONS ANGOLA VERIFICATION MISSION II

LOCATION: Angola

HEADQUARTERS: Luanda

DURATION: June 1991 - To date

AUTHORIZED STRENGTH: 350 military observers, 126 police monitors and up to 400 electoral observers

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL AND CHIEF OF MISSION: Miss Margaret Joan Anstee (United Kingdom)

CHIEF MILITARY OBSERVER: Major-General Edward U. Unimna (Nigeria)

BACKGROUND

The United Nations Angola Verification Mission (UNAVEM I) was originally established by the Security Council on 20 December 1988 at the request of the Governments of Angola and Cuba. Its task was to verify the phased and total withdrawal of Cuban troops from Angola in accordance with the timetable agreed between the two Governments. The withdrawal was completed by 25 May 1991 – more than one month before the scheduled date. On 6 June, the Secretary-General reported to the Council that UNAVEM I had carried out, fully and effectively, the mandate entrusted to it.

Meanwhile, on 17 May 1991, the Government of Angola requested the Secretary-General to ensure the participation of the United Nations in verifying the implementation of the Peace Accords for Angola, initialled by the Angolan Government and the *União Nacional para a Independência Total de Angola* (UNITA) on 1 May 1991, and consequently to prolong UNAVEM's presence in Angola. In accordance with the Accords, the United Nations was to verify the arrangements agreed by the Angolan parties for the monitoring of the cease-fire and for the monitoring of the Angolan police during the cease-fire period. On 30 May, following the Secretary-General's recommendation, the Security Council adopted its resolution 696 (1991) entrusting a new mandate to UNAVEM (thereafter UNAVEM II) and establishing the Mission for a period of 17 months, until the general elections were held in Angola in the fall of 1992.

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VERIFICATION OF CEASE-FIRE ARRANGEMENTS

The United Nations verification operation began as soon as the Angolan Peace Accords were formally signed on 31 May 1991. Advance parties of observers were deployed to the field on 2 June 1991.

Currently, UNAVEM II teams of unarmed military observers are deployed at some 46 locations ("assembly areas") where the troops of the two sides are assembled during the cease-fire, as well as at several "critical points" (certain seaports, airports and border posts). In essence, their task is to verify that joint monitoring groups, composed in equal numbers of representatives of the Angolan Government and of UNITA and responsible for monitoring on the spot the observance of the cease-fire, are assuming their responsibilities. Working closely with these monitoring groups, UNAVEM II verification teams provide support in the investigation and resolution of alleged violations of the cease-fire. If necessary, they respond to requests for assistance and use their good offices to resolve problems that might arise within these groups. In addition, UNAVEM II has taken the initiative in monitoring some aspects of the Accords, such as the regular counting of troops and weapons in the assembly areas; and monitoring of unassembled troops, demobilized troops, and troops selected to join the new Angolan Armed Forces.

The neutrality of the Angolan police is to be verified by monitoring teams also composed of members designated by the Government of Angola and by UNITA. Their work is verified by UNAVEM II police observers. The monitoring teams and UNAVEM observers are to visit police facilities, examine activities of the police and, if necessary, investigate alleged violations of

political rights. The police monitoring teams were established in all 18 Angolan provinces only in June 1992 although UNAVEM II police observers were present in the designated areas by October 1991.

On many occasions the United Nations conveyed to the two sides suggestions to overcome difficulties related to the assembly and the demobilization of troops, proper custody of weapons, the monitoring of the police, as well as to other matters relating to the peace process. At the request of the two parties, the United Nations launched an emergency food programme to relieve the shortage of food in the assembly areas.

ENLARGEMENT OF UNAVEM II'S MANDATE

The Peace Accords for Angola provided for "free and fair elections for a new Government" under "the supervision of international election observers". On 5 December 1991, the Secretary-General received two letters signed by the Minister for External Relations of Angola. One of the letters contained a request for United Nations technical assistance to help the Angolan Government to prepare for and conduct the forthcoming elections. The other letter contained a formal request to the Secretary-General to send United Nations observers to follow the Angolan electoral procedure until its completion in the fall of 1992. It was later announced that elections would be held on 29 and 30 September 1992. An agreement on technical assistance was signed with the Angolan Government in January 1992. As regards United Nations observation of the first-ever elections in Angola, the Secretary-General informed the Security Council on 20 December 1991 that he intended to recommend that the Council authorize such a mission. On 6 February 1992, the Secretary-General informed the Council of his decision to appoint Miss Margaret Joan Anstee as his Special Representative to coordinate the current and projected activities of the United Nations in connection with the Angola Peace Accords, and as the Chief of UNAVEM II. On 3 March, following the Special Representative's visit to Angola, the Secretary-General submitted to the Council his report with recommendations concerning the United Nations role in observing the forthcoming elections. On 24 March, the Security Council, by its resolution 747 (1992), decided to enlarge UNAVEM II's mandate to include election observation in Angola.

OBSERVATION OF ELECTIONS

In March 1992, the office of the Special Representative was established in Luanda, the capital of Angola, to coordinate all United Nations activities related to the Angolan peace process. In addition to its deployed military and police observers and civilian staff, UNAVEM II has been enlarged to include an Electoral Division, headed by a Chief Electoral Officer with some international staff and the requisite local staff at headquarters in Luanda. Offices of the Electoral Division have been established in the six Angolan regions and in the capitals of all 18 provinces of the country. They are collocated with the teams of the military component of UNAVEM II. Approximately 100 international staff and the requisite number of local staff were mandated for the regional and provincial electoral offices.

The United Nations role is to observe and verify the elections, not to organize them. The electoral process is to be organized by the National Electoral Council with technical assistance provided by experts and consultants from the United Nations Development Programme (UNDP). The Special Representative also plays a major role in generating and coordinating international assistance for the Angolan electoral process. Three main phases of the electoral process are foreseen: the registration of voters; the electoral campaign; and the presidential and legislative elections at the end of September 1992.

UNAVEM electoral observers, during all three phases, will monitor and evaluate the operations and the impartiality of the electoral authorities at all levels. They have observed all activities related to the registration of voters, and will observe the organization of the poll, the electoral campaign, the poll itself and the counting and announcement of the results. In this context, UNAVEM teams monitor important political rallies and other political activities; and verify compliance by all parties with the electoral law and with the code of conduct. The mechanisms through which broadcasting time is allotted to the different parties are also observed and the content of information broadcasts and the fairness of tariffs will be analyzed. UNAVEM also evaluates complaints received about the use of public resources as well as making its own observations. It is expected that over 95 per cent of the municipalities and main population centres will be visited at least once by UNAVEM teams and, for the more populated areas, there will be several visits. During the polling itself, the Electoral Division will field about 200 observation teams of two people each. These teams will have full access to monitor all stages

of the poll, and will develop a projection of results for internal purposes.

COMPOSITION OF UNAVEM II

Originally, UNAVEM II's authorized strength was 350 military observers and 90 police observers. There were also a civilian air unit and a medical unit, as well as some 90 international and 120 local civilian staff. In May 1992, the Secretary-General recommended, and the Security Council agreed, to increase the police strength of the Mission to 126 officers. Military and police observers are provided by Algeria, Argentina, Brazil, Canada, Colombia, Congo, Czechoslovakia, Egypt, Guinea-Bissau, Hungary, India, Ireland, Jordan, Malaysia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Senegal, Singapore, Spain, Sweden, former Yugoslavia and Zimbabwe.

During the polling, the Electoral Division will field a total of 400 electoral observers, comprised of approximately 100 observers coming from the existing staff of UNAVEM II; about 100 additional observers to be selected from UNDP and other United Nations agency personnel in Angola, plus volunteers from selected non-governmental organizations; about 100 additional observers from United Nations Secretariat; and a further 100 contributed by Member States.

FINANCIAL ASPECTS

The total cost to the United Nations of UNAVEM II for the 17-month period from 1 June 1991 to 31 October 1992 is estimated at approximately $107 million. The costs of the operation are to be met by assessed contributions from the Member States. As at 31 August 1992, total contributions outstanding to the United Nations Angola Verification Mission (UNAVEM I and UNAVEM II) from the inception of the operation through 31 October 1992 amounted to approximately $25 million.

UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

LOCATION: El Salvador

HEADQUARTERS: San Salvador

DURATION: July 1991 - to date

AUTHORIZED STRENGTH: Approximately 1,000 military and police personnel and 146 international civilian staff

CHIEF OF MISSION: Mr. Iqbal Riza (Pakistan)

BACKGROUND

The establishment of the United Nations Observer Mission in El Salvador (ONUSAL) came about as a result of a complex negotiating process, initiated by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) in September 1989 and conducted by the parties under the auspices of the United Nations Secretary-General. The objective of the negotiations was to achieve a series of political agreements aimed at resolving the prolonged armed conflict in El Salvador by political means as speedily as possible, promoting democratization in the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society. It was envisaged that implementation of all agreements that might be signed between the two parties would be subject to verification by the United Nations.

The first substantive agreement was achieved on 26 July 1990, when the Government of El Salvador and FMLN signed, at San José, Costa Rica, the Agreement on Human Rights. This Agreement provided for the establishment of a United Nations verification mission to monitor nationwide respect for and the guarantee of human rights and fundamental freedoms in El Salvador. According to the Agreement, the Mission was to take up its duties as of the cessation of the armed conflict. Shortly after signing the Agreement, however, the two parties independently requested that the Mission be set up even before a cease-fire.

ESTABLISHMENT OF ONUSAL

On 20 May 1991, following the Secretary-General's recommendation, the Security Council, by its resolution 693 (1991), decided to establish ONUSAL, as an integrated peace-keeping operation, to monitor all agreements concluded between the Government of El Salvador and FMLN. The Mission's initial mandate was to verify the compliance by the parties with the San José Agreement on Human Rights. At that stage, the tasks of the Mission included actively monitoring the human rights situation in El Salvador; investigating specific cases of alleged human rights violations; promoting human rights in the country; making recommendations for the elimination of violations; and reporting on these matters to the Secretary-General and, through him, to the United Nations General Assembly and Security Council.

VERIFICATION OF THE SAN JOSÉ AGREEMENT

ONUSAL was launched on 26 July 1991, at which time it absorbed a small preparatory office established in San Salvador in January 1991. In assuming its initial tasks, ONUSAL adopted a two-phase approach. During the preparatory phase, from July through September, ONUSAL set up its regional offices and laid the operational and conceptual bases for its future work. On 1 October 1991, ONUSAL entered its second phase of operations, in which it began to investigate cases and situations involving allegations of human rights violations and to follow them up systematically with the competent State organs and with FMLN. The purpose of these activities has been to establish the veracity of such allegations and, where required, to follow the actions taken to identify and punish those responsible and to deter such violations in future. During this phase, ONUSAL has significantly expanded its contacts with the parties, establishing flexible, stable coordination mechanisms with them. In addition, the

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Mission initiated both a human rights education programme and an information campaign on human rights.

ENLARGEMENT OF ONUSAL'S MANDATE

Meanwhile, steady progress was made in the negotiations on other political agreements aimed at ending the armed conflict in El Salvador. On 31 December 1991, following more than two weeks of protracted negotiations at United Nations Headquarters in New York, the parties signed the Act of New York which, combined with the agreements previously signed at San José (26 July 1990), Mexico City (27 April 1991) and New York (25 September 1991), completed the negotiations on all substantive issues of the peace process. The parties also agreed that the final peace agreements would be signed at Mexico City on 16 January 1992.

The agreements included two in particular, requiring a substantial enlargement of ONUSAL's mandate. These are the Agreement on the Cessation of the Armed Conflict, according to which ONUSAL is to verify all aspects of the cease-fire and the separation of forces, and the Agreement on the National Civil Police, which envisages that ONUSAL should monitor the maintenance of public order during the transitional period while the new National Civil Police is being set up.

On 14 January 1992, following the Secretary-General's recommendation, the Security Council, by its resolution 729 (1992), unanimously decided to enlarge ONUSAL's mandate and to increase its strength in order to fulfil verification requirements of the agreements. After signature of the "Peace Agreement" in Mexico City on 16 January 1992, the Secretary-General took immediate steps to enable the Mission to implement its expanded mandate.

ONUSAL STRUCTURE

In addition to the Human Rights Division, which was established in ONUSAL's first phase of operation to verify the implementation of the Agreement on Human Rights, two new Divisions have been established – a Military Division and a Police Division. All three Divisions are under the overall direction of the Chief of Mission, whose office, composed of a team of political affairs officers, is directly responsible for monitoring and promoting the implementation of all the political aspects of the Peace Agreement.

The Human Rights Division, which continues to be responsible for verifying the implementation of the Human Rights Agreement, comprises approximately 51 human rights observers, legal advisers and educators. The Regional Coordinators of the Division also deal with all the political aspects of the Mission's mandate, and report directly to the Chief of Mission in this respect.

The strength of the Military Division required for the process of ending the armed confrontation – a process which began on 1 February and is envisaged for completion by 31 October 1992 – currently includes 249 military observers provided by United Nations Member States. An additional 88 military observers were deployed for the 30-day period, from 1 February to 2 March, in connection with implementation of the separation of forces. Under that arrangement, the armed forces of El Salvador were to redeploy progressively to the positions they would maintain in normal peace time, while the FMLN forces were to concentrate progressively in agreed "designated locations" in the areas of conflict. The Military Division monitors the troops of the both parties in these locations, verifies the inventories of weapons and personnel, authorizes and accompanies the movements of both forces, and receives and investigates complaints of violations.

The strength of the Police Division, which is to monitor activities of the Salvadorian National Police, was authorized at 631 and is expected to reach 360. Currently, 309 observers are deployed in all the departments of the country. The Division, composed mostly of specialists experienced in the organization and operation of civilian police forces, monitors National Police activities during the delicate phase of transition from armed confrontation to national reconciliation. Its objective is to help provide the Salvadorian people with a sense of security while the new National Civil Police is being formed and trained.

COMPOSITION

ONUSAL military observers are provided by Brazil, Canada, Colombia, Ecuador, India, Ireland, Norway, Spain, Sweden and Venezuela. In addition, eight medical officers are provided by Argentina. Police observers come from Austria, Chile, France, Guyana, Italy, Mexico, Norway, Spain and Sweden.

FINANCIAL ASPECTS

The total cost of ONUSAL for the 16-month period from July 1991 to 31 October 1992 has been estimated at approximately $49 million. The costs of the operation are to be met by assessed contributions from United

Nations Member States. As at 31 August 1992, total contributions outstanding to the ONUSAL Special Account for the period from the inception of the operation to 31 October 1992 amounted to approximately $16 million.

UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

LOCATION: Western Sahara

HEADQUARTERS: Laayoune

DURATION: September 1991 - to date

AUTHORIZED STRENGTH: Approximately 1,695 military observers and troops, 300 police officers and about 800 to 1,000 civilian personnel

CURRENT STRENGTH: 346, including 223 military observers

FATALITIES: 1

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL: Mr. Sahabzada Yaqub-Khan (Pakistan)

FORCE COMMANDER *a.i.*: Brigadier-General Luis Block Urban (Peru) (with effect from 1 October 1992, Brigadier-General André Van Baelen of Belgium will replace Brigadier-General Urban as Acting Force Commander)

BACKGROUND

In 1985, the Secretary-General of the United Nations, in cooperation with the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), initiated a joint mission of good offices in the search for a solution of the question of Western Sahara. On 11 August 1988, the Secretary-General of the United Nations and the Special Envoy of the Chairman of the Assembly of Heads of State and Government of the OAU presented, in separate meetings, to the parties to the conflict in Western Sahara, namely Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), a document referred to as "the settlement proposals". The document contained proposals for a just and definitive solution of the question of Western Sahara in conformity with 1960 General Assembly resolution 1514 (XV). This would be accomplished by means of a cease-fire and the holding of a referendum without military or administrative constraints to enable the people of Western Sahara, in the exercise of their right to self-determination, to choose between independence and integration with Morocco.

On 27 June 1990, the Security Council, in its resolution 658 (1990), approved a report of the Secretary-General, which contained the full text of the settlement proposals as accepted by the two parties on 30 August 1988, as well as an outline of the Secretary-General's plan for implementing those proposals.

THE IMPLEMENTATION PLAN

The implementation plan provided for a transitional period during which the Special Representative of the Secretary-General, acting under the authority of the Secretary-General, would have sole and exclusive responsibility over all matters relating to the referendum, including its organization and conduct. The Special Representative would be assisted in his tasks by a deputy special representative and by an integrated group of United Nations civilian, military and civilian police personnel. This group would be known as the United Nations Mission for the Referendum in Western Sahara (MINURSO).

According to the plan, the transitional period would begin with the coming into effect of a cease-fire and end with the proclamation of the results of the referendum. Following the announcement of a cease-fire, MINURSO would verify the reduction of Moroccan troops in the Territory; monitor the confinement of Moroccan and Frente POLISARIO troops to designated locations; take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees; oversee the exchange of prisoners of war (International Committee of the Red Cross); implement the repatriation programme (United Nations High Commissioner for Refugees (UNHCR)); identify and register qualified voters; organize and ensure a free referendum; and, proclaim the results.

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The plan stipulated that MINURSO would consist of the Special Representative and his office, and civilian, security and military units. The civilian component would range in size from about 800 to 1000 personnel, depending on the requirements of the various phases of the transitional period. At full strength, the military component would consist of approximately 1,695 personnel, and the Security Unit of about 300 police officers.

ESTABLISHMENT OF MINURSO

On 29 April 1991, the Security Council in its resolution 690 (1991) decided to establish MINURSO, in accordance with a report of the Secretary-General which further detailed the implementation plan. In approving the plan, the Security Council also accepted the timetable proposed in the Secretary-General's report. It was envisaged that the transitional period would begin no later than 16 weeks after the General Assembly approved the MINURSO budget and would last for 20 weeks. MINURSO would remain in the Territory for up to 26 weeks from the coming into effect of the cease-fire. The Secretary-General indicated, however, that the periods of time allowed for the various processes were estimates that could require adjustment.

THE CEASE-FIRE

The budget for MINURSO was approved by the General Assembly on 17 May 1991. On 24 May, in accordance with the plan, the Secretary-General proposed that the cease-fire should enter into effect on 6 September 1991. Both parties accepted that date. During the following three months, however, it became clear that it would not be possible to complete before 6 September a number of tasks that were to be completed before the cease-fire. It also became clear that, notwithstanding the parties' earlier acceptance of the settlement plan, substantial areas of difference between them remained. One party therefore was not able to agree that the transition period should begin on 6 September 1991.

Meanwhile, hostilities had broken out in the Territory, interrupting an informal cease-fire that had been in effect for over two years. In these circumstances, the Secretary-General decided that the formal cease-fire should come into effect on 6 September as initially agreed, on the understanding that the transition period would begin as soon as the outstanding tasks had been completed. The Security Council supported his proposal that, during this delay, 100 military observers should be deployed in the Territory to verify the cease-fire and the cessation of hostilities in certain areas. The number of military observers was subsequently increased to 223 and certain logistics and administrative support staff were also sent to the field.

The primary function of MINURSO in its present limited deployment is restricted to verifying the cease-fire and cessation of hostilities. This is done by direct observation of military forces and activities carried out by either party and verifying complaints of alleged cease-fire violations. United Nations military observers are deployed to ten team sites/observation posts in the northern and southern sectors of the Territory. The team sites, covering the main points of concern in the Territory, are the key element in monitoring the cease-fire. United Nations military observers operate in mobile patrols. Helicopter-borne patrols are also conducted to enhance MINURSO monitoring capability and react at short notice to complaints and violations.

The headquarters of the Mission has been established in the capital, Laayoune, with two regional headquarters in the northern and southern sectors of the Territory. A liaison office has also been established in Tindouf to maintain contact with the Algerian authorities and POLISARIO.

COMPOSITION

MINURSO military observers and headquarters personnel are provided by Argentina, Australia, Austria, Bangladesh, Belgium, Canada, China, Egypt, France, Ghana, Greece, Guinea, Honduras, Ireland, Italy, Kenya, Malaysia, Nigeria, Pakistan, Poland, Russian Federation, Switzerland, Tunisia, United Kingdom, United States and Venezuela.

FINANCIAL ASPECTS

The cost of MINURSO, in its present limited deployment, is estimated at approximately $64 million since its inception. The current monthly cost of the operation is about $2.2 million. The operation is funded by assessed contributions of the United Nations Member States. As at 30 September 1992, total contributions outstanding to the MINURSO Special Account amounted to approximately $21 million.

OTHER ASPECTS

As to the implementation of the settlement plan, it has not been possible to proceed in conformity with the original timetable. While both parties have reiterated their confidence in the United Nations, their commitment to the settlement plan and their willingness to restore the momentum of the peace process, they continue to have divergent views and different interpretations of some of the key elements contained in the plan, including those with regard to the question of criteria for eligibility to vote in the referendum.

In his 28 February 1992 report to the Security Council, the Secretary-General appealed to the parties to engage in every effort to cooperate with the United Nations and enable it to play a full role in the search for mutually acceptable solutions. Since his appointment in April 1992, the Secretary-General's new Special Representative for Western Sahara, Mr. Sahabzada Yaqub-Khan, has held several rounds of talks with each of the parties in an effort to reactivate the settlement plan. Current talks are aimed at reconciling differences over the interpretation of the criteria for eligibility to vote which were enunciated by the Secretary-General in his 19 December 1991 report to the Security Council.

UNITED NATIONS PROTECTION FORCE

LOCATION: Croatia, and Bosnia and Herzegovina

HEADQUARTERS: Zagreb, Croatia

DURATION: March 1992 - to date

AUTHORIZED STRENGTH: Some 20,000 military and police personnel and approximately 500 civilian staff

FATALITIES: 16

PERSONAL ENVOY OF THE SECRETARY-GENERAL: Mr. Cyrus Vance (United States)

FORCE COMMANDER: Lieutenant-General Satish Nambiar (India)

UNPROFOR IN CROATIA

Background

The United Nations became actively involved in the situation in Yugoslavia (a term which, for the purposes of this publication, is used to signify the republics of the former Socialist Federal Republic of Yugoslavia) on 25 September 1991 when the Security Council, meeting at the ministerial level, unanimously adopted its resolution 713 (1991) expressing deep concern at the fighting in that country and calling on all States to implement immediately a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia". The Council commended and fully supported the efforts already undertaken by the European Community and its member States, with the support of the States participating in the Conference on Security and Cooperation in Europe (CSCE), to restore peace and dialogue in Yugoslavia. By its resolution, the Council invited the Secretary-General to offer his assistance, in consultation with the Government of Yugoslavia and all those promoting the peace efforts. On 8 October 1991, the Secretary-General appointed Mr. Cyrus Vance, former United States Secretary of State, as his Personal Envoy for Yugoslavia.

As part of the collective effort to stop the fighting and to find a peaceful solution to the conflict, the Secretary-General's Personal Envoy undertook several missions to Yugoslavia and discussed with all parties concerned the feasibility of deploying a United Nations peace-keeping operation in Yugoslavia. On 23 November, the Personal Envoy convened in Geneva a meeting which was attended by the Presidents of Serbia and of Croatia and the Secretary of State for National Defence of Yugoslavia, as well as Lord Carrington, then Chairman of the European Community's Conference on Yugoslavia. During the meeting, the Yugoslav parties reached agreement on an immediate cease-fire and a number of other issues. Each of the Yugoslav parties expressed the wish to see the speedy establishment of a United Nations peace-keeping operation. However, while progress was made on the other issues, the cease-fire broke down almost immediately.

On 27 November, the Security Council, by its resolution 721 (1991), approved the efforts of the Secretary-General and his Personal Envoy. During subsequent weeks of intensive negotiations with the parties concerned, the implementation of the Geneva agreement was pursued and the general principles were defined for a United Nations peace-keeping operation. On 15 December, the Security Council, by its resolution 724 (1991), approved the Secretary-General's report which contained a plan for a possible peace-keeping operation. A small group of military officers, civilian police and United Nations Secretariat staff travelled to Yugoslavia to carry forward preparations for the implementation of this plan.

Thereafter the Secretary-General and his Personal Envoy focused their efforts on consolidating the cease-fire and on securing unconditional acceptance of the United Nations plan by all parties to the conflict, including assurances of their readiness to cooperate fully in its implementation. On 2 January 1992, the Personal Envoy convened, in Sarajevo, a meeting between military representatives of the Republic of Croatia and representatives of the Yugoslav People's Army (JNA), at which an Implementing Accord on the

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unconditional cease-fire was signed. With the Security Council's concurrence, the Secretary-General then sent to Yugoslavia a group of military liaison officers, with the task of using their good offices to promote maintenance of the cease-fire. In the meantime, the Personal Envoy, the United Nations Under-Secretary-General for Peace-keeping Operations and their team continued their efforts to secure the cooperation of all Yugoslav parties in implementing the United Nations plan for a peace-keeping operation.

Establishment of UNPROFOR

On 15 February 1992, after all parties concerned had confirmed their full and unconditional acceptance of the plan, the Secretary-General recommended to the Security Council the establishment of a United Nations Protection Force (UNPROFOR) in Yugoslavia. On 21 February, the Security Council, by its resolution 743 (1992), approved the report and established UNPROFOR for an initial period of 12 months. The Council confirmed that the Force should be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis within the framework of the European Community's Conference on Yugoslavia.

Concept of operations and structure

UNPROFOR is deployed in three "United Nations Protected Areas" (UNPAs) in Croatia – in Eastern Slavonia, Western Slavonia and Krajina – which, for United Nations purposes, were divided into four sectors: East, North, South and West. The UNPAs are areas in which Serbs constitute the majority or a substantial minority of the population and where inter-communal tensions have led to armed conflict in the recent past. The deployment plan rests on two central elements: the withdrawal of JNA from all of Croatia and the complete demilitarization of the UNPAs; and the continuing functioning, on an interim basis, of the existing local authorities and police, under United Nations supervision, pending the achievement of an overall political solution to the Yugoslav crisis.

As originally conceived, UNPROFOR's mandate is to ensure that the UNPAs are demilitarized, through the withdrawal or disbandment of all armed forces in them, and that all persons residing in them are protected from fear of armed attack. To this end, UNPROFOR is authorized to control access to the UNPAs, to ensure that they remain demilitarized, and to monitor the functioning of the local police there to help ensure non-discrimination and the protection of human rights. Outside the UNPAs, UNPROFOR military observers are to verify the withdrawal of all JNA and irregular forces from Croatia, other than those disbanded and demobilized there. In support of the work of the United Nations humanitarian agencies, the Force will also facilitate the return, in conditions of safety and security, of civilian displaced persons to their homes in the UNPAs. UNPROFOR initially established its headquarters in Sarajevo, the capital of Bosnia and Herzegovina; it is now headquartered in Zagreb, the capital of Croatia.

From March to September 1992, there were two enlargements of the UNPROFOR's mandate in Croatia – in June, to include monitoring of certain areas in Croatia (the so-called "pink zones") falling within the JNA lines and now populated largely by Serbs, but which were outside the agreed UNPA boundaries; and in August, to enable UNPROFOR to control the entry of civilians into the UNPAs and to perform immigration and customs functions at the UNPA borders at international frontiers.

UNPROFOR IN BOSNIA AND HERZEGOVINA

Background

In April 1992, the situation in Bosnia and Herzegovina rapidly deteriorated. In a series of resolutions, the Security Council appealed to all parties to bring about a cease-fire and a negotiated political solution, and demanded, *inter alia*, that all forms of interference from outside Bosnia and Herzegovina, including by the JNA, as well as by the Croatian Army, cease immediately and that all local irregular forces be disbanded and disarmed. In May, however, despite all diplomatic efforts by the European Community, the Secretary-General's representatives and UNPROFOR, the conflict continued to intensify. In order to focus on the implementation of its mandate in Croatia, the bulk of UNPROFOR's headquarters personnel withdrew from Sarajevo on 16 and 17 May, leaving behind some 100 military personnel and civilian staff who lent their good offices to promote local cease-fires and humanitarian activities.

On 30 May, acting under Chapter VII of the Charter, the Security Council, in its resolution 757 (1992), imposed wide-ranging sanctions on Yugoslavia (which now consists of Serbia and Montenegro) in order to help achieve a peaceful solution to the conflict. It also demanded that all parties create the conditions

necessary for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport. The Council requested the Secretary-General to continue to use his good offices to achieve this objective.

Security arrangements at Sarajevo airport

In keeping with the Council's request, UNPROFOR pursued negotiations with the parties to the conflict with the aim to stop the fighting around the airport and to reopen it for humanitarian purposes. On 6 June, the Secretary-General reported to the Council that UNPROFOR had negotiated, on 5 June, an agreement for the handing over to the Force of Sarajevo airport. On 8 June, the Security Council approved the enlargement of the UNPROFOR's mandate and authorized the Secretary-General to deploy military observers and related personnel and equipment to Sarajevo to supervise the withdrawal of anti-aircraft weapons and the concentration of heavy weapons at agreed locations in the city.

Following intensive work by UNPROFOR to establish modalities of implementation of the 5 June agreement, the Secretary-General reported to the Security Council, on 29 June, that Bosnian Serb forces had been withdrawing from the Sarajevo airport, and both sides – the Serb and the Bosnian Presidential forces – had begun to concentrate their heavy weapons in locations to be supervised by UNPROFOR. On the same day, the Council, by its resolution 761 (1992), authorized deployment of additional elements of UNPROFOR to ensure the security and functioning of the airport. By 3 July, despite continued fighting in the area, United Nations observers and troops were deployed at the airport and at other locations at Sarajevo, and the airport was reopened for humanitarian airlift.

Protection of humanitarian convoys

On 10 September, following consultations with a number of Governments, the Secretary-General submitted a further report to the Security Council recommending the expansion of UNPROFOR's mandate and strength in Bosnia and Herzegovina. He proposed that UNPROFOR's task, under its enlarged mandate, would be to support efforts by the United Nations High Commissioner for Refugees (UNHCR) to deliver humanitarian relief throughout Bosnia and Herzegovina, and in particular to provide protection, at UNHCR's request, where and when UNHCR considered such protection necessary. In addition, UNPROFOR could be used to protect convoys of released civilian detainees if the International Committee of the Red Cross (ICRC) so requested and if the Force Commander agreed that the request was practicable. UNPROFOR would be deployed in four or five new zones. In each zone there would be an infantry battalion group, whose headquarters would also include civilian staff to undertake political and information functions and liaison with UNHCR. UNPROFOR troops would follow normal peace-keeping rules of engagement, which authorize them to use force in self-defence, including situations in which armed persons attempt by force to prevent them from carrying out their mandate.

On 14 September, the Security Council adopted its resolution 776 (1992) approving the Secretary-General's report and authorizing the enlargement of UNPROFOR's mandate and strength in Bosnia and Herzegovina for these purposes.

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In the meantime, further diplomatic efforts to find political solution to the conflict in the former Yugoslavia resulted in the convening of an international conference which brought together a broad cross-section of the international community, as well as all parties concerned from the former Yugoslavia. The International Conference on the former Yugoslavia, held in London on 26 and 27 August 1992, was co-chaired by the United Nations Secretary-General and by the Prime Minister of the United Kingdom in his capacity as current President of the Council of Ministers of the European Community. The Conference adopted the Statement of Principles for a negotiated settlement of the problems of the former Yugoslavia, and reached a number of other agreements. It also established, under the overall direction of the Permanent Co-Chairmen of the Conference, a Steering Committee co-chaired by the Secretary-General's Personal Envoy, Mr. Vance, and Lord Owen, newly appointed European Community mediator, who will direct six Working Groups and prepare the basis for a general settlement and associated measures. They will work in continuous session at the United Nations Office at Geneva, starting on 18 September 1992.

COMPOSITION OF UNPROFOR

UNPROFOR includes military, police and civilian components comprising at full strength a total of some

20,000 personnel when deployment in Bosnia and Herzegovina is complete.

Currently, the military component at maximum strength consists of 12 infantry battalions (some 10,400 all ranks) in Croatia; three infantry battalions (some 1,500 all ranks) in Sarajevo; headquarters, logistics and other support elements totalling about 3,000 all ranks; and some 230 military observers. The police component comprises approximately 570 police monitors, and the civilian component is to number about 500 personnel.

In addition, the following elements are being deployed throughout the territory of Bosnia and Herzegovina: four infantry battalion groups (about 4,500 to 5,000 all ranks); a transportation battalion of some 500 all ranks; logistics, signals, engineering and other support elements totalling some 1,200 all ranks; 80 military observers; and approximately 80 civilian personnel.

As of 30 September 1992, the military personnel of UNPROFOR was provided by the following 30 countries: Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, Colombia, Czechoslovakia, Denmark, Egypt, Finland, France, Ghana, Ireland, Jordan, Kenya, Luxembourg, Nepal, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Russian Federation, Sweden, Switzerland, Ukraine, United Kingdom and Venezuela.

FINANCIAL ASPECTS

The Secretary-General initially estimated that the cost to the United Nations associated with the emplacement and maintenance of UNPROFOR for an initial twelve-month period would be over $600 million. The costs of the operation were to be met by assessed contributions from United Nations Member States. However, the expansions to the mandate and strength of UNPROFOR referred to above will necessitate a significant upward revision of this figure.

The General Assembly has appropriated an initial amount of $251.5 million for the expenses of the Force. As at 31 August 1992, contributions outstanding to the UNPROFOR Special Account amounted to approximately $73 million.

As far as the protection of humanitarian convoys is concerned, military personnel, equipment and logistic support for UNPROFOR are expected to be provided at no cost to the United Nations by the contributing countries.

UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA

LOCATION: Cambodia

HEADQUARTERS: Phnom Penh

DURATION: March 1992 - to date

STRENGTH: 15,000 to 20,000 military and civilian personnel (actual numbers to vary according to the phase of operations)

FATALITIES: 10

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL AND HEAD OF MISSION: Mr. Yasushi Akashi (Japan)

FORCE COMMANDER: Lieutenant-General John M. Sanderson (Australia)

BACKGROUND

The Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, which entered into force on 23 October 1991, invited the Security Council to establish the United Nations Transitional Authority in Cambodia (UNTAC) and to provide it with the mandate set forth in the Agreement. The Council fully supported the Agreement in its resolution 718 (1991) of 31 October 1991, and requested the Secretary-General to prepare a detailed plan of implementation.

Under the Agreement, the Supreme National Council of Cambodia (SNC) is "the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined". The SNC, which is made up of the four Cambodian factions and is under the chairmanship of Prince Norodom Sihanouk, has delegated to the United Nations "all powers necessary" to ensure the implementation of the Agreement. The transitional period commences with the entry into force of the Agreement and terminates when the constituent assembly elected in conformity with the Agreement has approved the new Cambodian Constitution and transformed itself into a legislative assembly, and thereafter a new Cambodian Government has been created.

Prior to the establishment and deployment of UNTAC, the Secretary-General had, on 30 September 1991, recommended that the United Nations deploy a small advance mission in Cambodia to assist the Cambodian parties to maintain the cease-fire. Based on this recommendation, the Security Council, by its resolution 717 (1991) of 16 October 1991, decided to establish the United Nations Advance Mission in Cambodia (UNAMIC) immediately after the signing of the Agreement. UNAMIC became operational on 9 November 1991. It consisted of civilian and military liaison staff, a military mine-awareness unit, and logistics and support personnel. On 8 January 1992, by its resolution 728 (1992), the Council expanded the mandate of UNAMIC to include training in mine-clearance for Cambodians and the initiation of a mine-clearance programme.

ESTABLISHMENT OF UNTAC

On 19 February 1992, the Secretary-General submitted to the Security Council a report containing his proposed implementation plan. The Council approved that report and, by its resolution 745 (1992) of 28 February, established UNTAC under its authority for a period not to exceed 18 months. Upon becoming operational on 15 March 1992, UNTAC absorbed UNAMIC.

UNTAC's strength varies according to the phase of operations, with between 15,000 and 20,000 military and civilian personnel present at the peak time. In addition, UNTAC international staff will be supplemented by tens of thousands of locally recruited staff, most of them during elections. UNTAC is headed by the Special Representative of the Secretary-General, Mr. Yasushi Akashi (Japan). Headquarters personnel

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include executive management, a coordination and liaison team, political, legal and economic advisers, an information service and support staff.

UNTAC'S COMPONENTS

UNTAC consists of seven distinct components.

Human rights component

The Agreement gives UNTAC the responsibility during the transitional period for fostering an environment in which respect for human rights and fundamental freedoms is ensured. UNTAC's activities in this regard comprise three aspects: a human rights education programme; general human rights oversight in all existing administrative structures in Cambodia; and a mechanism for the investigation of allegations of human rights abuses occurring during the transitional period.

Civil administration component

In order to ensure a neutral political environment conducive to free and fair general elections, UNTAC is to exercise direct control over existing administrative structures acting in the field of foreign affairs, national defence, finance, public security and information. UNTAC exercises, as determined in consultation with SNC, a lesser degree of scrutiny over other administrative structures that could influence the outcome of the elections. The component also comprises an office for training and an office for complaints and investigation.

The human rights and civil administration components consist of specialists, assisted by international support staff. They operate at the central level, from offices established at the 21 provincial and municipal centres and, particularly as regards dissemination of information and civic education, from offices at all of the estimated 200 districts in the country.

Electoral component

The Agreement entrusts UNTAC with the organization and conduct of free and fair general elections in Cambodia. UNTAC is to establish, in consultation with SNC, a legal framework including an electoral law and regulations to govern the electoral process and an electoral code of conduct. Other aspects include civic education and training, registration of voters and political parties, and the polling process itself. The Special Representative is assisted in these responsibilities by a chief electoral officer. An Electoral Advisory Committee will be appointed by the Special Representative to ensure the prevention and control of election irregularities. International staff include: electoral personnel at headquarters; personnel at the 21 provincial offices, responsible for electoral operations, information, training, communications, compliance and complaints, and coordination; and district electoral supervisors at approximately 200 district offices. Their number will be augmented by approximately 1,000 international personnel seconded from Governments during the polling process.

Military component

The military component, headed by a Force Commander, is charged with the following main functions: verification of the withdrawal from Cambodia and non-return of all categories of foreign forces and their arms and equipment; supervision of the cease-fire and related measures, including regroupment, cantonment, disarming and demobilization of forces of the Cambodian parties; weapons control, including monitoring the cessation of outside military assistance, locating and confiscating caches of weapons and military supplies throughout Cambodia, storing of the arms and equipment of the cantoned and the demobilized military forces; assisting with mine-clearance, including training programmes and mine awareness programmes. In addition, the military component is charged with undertaking investigations, on complaint from one of the parties or on its own, of alleged non-compliance with any of the provisions relating to military arrangements, and to provide assistance in relation to the release of prisoners of war and in the repatriation of Cambodian refugees and displaced persons.

At maximum strength during the peak of its activity, the military component of UNTAC is to comprise about 15,900 all ranks, including force headquarters and sector headquarters staff; military observer group; infantry; engineer element; air support group; signals unit; medical unit; military police; logistic battalion; and naval element.

Police component

UNTAC civilian police monitors supervise or control the local civil police in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. The structure of the UNTAC civilian police component includes a policy and management unit at headquarters, 21 units at the provincial level and 200

district-level units. There will be a total of about 3,600 UNTAC civilian police monitors.

Repatriation component

The repatriation and resettlement of Cambodian refugees and displaced persons is to be an inter-agency effort, with the Office of the United Nations High Commissioner for Refugees (UNHCR) designated as the lead agency. It includes the movement of returnees, the provision of immediate assistance and food, and a reintegration programme. The component is headed by a Director for repatriation, appointed by the Secretary-General and reporting to the Special Representative as well as to the High Commissioner.

Rehabilitation component

The rehabilitation effort is headed by a Coordinator appointed by the Secretary-General and reporting to the Special Representative. He is to ensure efficient and effective coordination, make ongoing assessments of needs, and ensure that they are being met without duplication or overlap. Particular attention will be given to food security, health, housing, training, education, the transport network and the restoration of Cambodia's basic infrastructure and public utilities. In addition, the Coordinator has responsibilities related to raising resources through donor contributions.

UNTAC ACTIVITIES

Military aspects

UNTAC became operational on 15 March 1992. Following an April visit to Cambodia, the Secretary-General reported to the Security Council that although there were some delays in deployment, UNTAC had begun to establish itself both politically and militarily with success reported in each aspect of the mission. On 9 May, UNTAC announced that Phase II of the cease-fire (cantonment and demobilization phase) would begin on 13 June 1992. However, in the days preceding the announcement, it became clear that one of the Cambodian parties – the Party of Democratic Kampuchea (PDK) – was not cooperating. In fact, PDK refused to allow UNTAC forces to proceed with their deployment in the areas under its control and did not provide the necessary information on number of troops and *matériel* in compliance with the Paris Agreement. In explanation of its position, PDK introduced its own interpretation of the provisions of the Paris Agreement relating to the verification of the withdrawal and non-return of foreign forces and to the role and powers of the SNC.

In a 12 June special report to the Security Council, the Secretary-General stated that despite lack of co-operation from PDK he had concluded that Phase II must proceed as scheduled on 13 June. In his view, any delay would result in a loss of the momentum and would jeopardize UNTAC's ability to organize and conduct elections by April or May 1993. The Council endorsed the Secretary-General's position and called upon all parties to comply strictly with the commitments they have accepted, including cooperation with UNTAC.

At the Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia, held at Tokyo on 22 June 1992, an informal "proposal for discussion" was drawn up. This proposal sets out a number of measures designed to meet some of the concerns expressed by PDK and thus to facilitate its participation in the full implementation of the Paris Agreement without further delay. In a series of meetings of the SNC, three of the Cambodian parties accepted the proposal for discussion. However, PDK did not; instead, it introduced its own proposals.

Since the actions of PDK have seriously compromised the ability of UNTAC to adhere to the timetable, the Secretary-General, in his 14 July report to the Security Council, offered two possible courses of action: to suspend the operation until all parties comply with the Paris Agreement, or to pursue the process, thus demonstrating the international community's determination to assist the Cambodian people despite lack of cooperation from PDK. As the Secretary-General thought the latter would be the most appropriate, he requested his Special Representative to press forward with the regroupment and cantonment process, in a manner that would ensure that the parties cooperating with UNTAC did not suffer a military disadvantage *vis-à-vis* PDK. He noted, however, that this process, with the cooperation of only three of the parties, could not continue indefinitely. Further efforts would therefore have to be made by all concerned to persuade PDK to join Phase II of the cease-fire and cooperate with UNTAC.

By resolution 766 (1992) of 21 July, the Security Council approved the efforts of the Secretary-General to continue to implement the Paris Agreement despite the difficulties and demanded that PDK permit the deployment of UNTAC in the areas under its control and implement Phase II of the cease-fire, as well as other aspects of the Agreement. It also requested the Secretary-General to ensure that international assistance to

the rehabilitation and reconstruction of Cambodia from now on only benefit the parties which are fulfilling their obligations under the Agreement and cooperating fully with UNTAC.

Other aspects

Although UNTAC has been denied access to operate in the zones controlled by PDK, much progress has been achieved on many fronts. On 2 July, the Special Representative announced that, in accordance with the Paris Agreement, the civil administration component of UNTAC had begun to exercise direct control over the existing administrative structures in the following five areas: foreign affairs, national defence, finance, public security and information. UNTAC has opened provincial offices throughout Cambodia and UNTAC civilian police monitors have been deployed to supervise the fair and impartial enforcement of law and order. Civic and human rights education programmes for the Cambodian population have also been initiated.

As far as the electoral process is concerned, the Special Representative signed, on 13 August, the United Nations Electoral Law for Cambodia. The provisional registration of political parties commenced a few days later and the voter registration process is expected to begin in early October. As required by the Paris Agreement, the content of the Electoral Law was determined in consultation with the SNC.

On 28 August, UNHCR announced that the number of Cambodians repatriated from camps in Thailand and from Indonesia and Malaysia surpassed 100,000. While approximately 250,000 refugees and displaced persons remain in camps outside the country, the rate of repatriation has been rising steadily since the first returnees crossed the Thai-Cambodian border on 30 March 1992.

COMPOSITION

UNTAC military and/or civilian police personnel are provided by Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Egypt, Fiji, France, Germany, Ghana, Hungary, India, Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Russian Federation, Senegal, Singapore, Sweden, Thailand, Tunisia, United Kingdom, United States and Uruguay.

FINANCIAL ASPECTS

The total cost of UNAMIC for the period 1 November 1991 to 14 March 1992 was approximately $20 million. The total cost of UNTAC for the period 15 March 1992 to 31 July 1993 has been estimated at approximately $1,700 million. The General Assembly has appropriated an amount of some $840 million for the expenses of UNAMIC and UNTAC, through 31 October 1992. As at 31 August 1992, contributions outstanding to the UNAMIC and UNTAC Special Accounts amounted to approximately $352 million.

In addition, repatriation and resettlement of refugees, as well as rehabilitation assistance, will be funded from voluntary contributions. At the Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia, some $880 million was pledged for these activities.

UNITED NATIONS OPERATION IN SOMALIA

LOCATION: Somalia

HEADQUARTERS: Mogadishu

DURATION: April 1992 - to date

AUTHORIZED STRENGTH: 50 military observers, 3,500 security personnel, up to 719 logistic support personnel and some 200 international civilian staff

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL: Mr. Mohammed Sahnoun (Algeria)

CHIEF MILITARY OBSERVER: Brigadier-General Imtiaz Shaheen (Pakistan)

BACKGROUND

Since November 1991, heavy fighting between two Somali factions – one supporting Interim President Ali Mahdi Mohamed and the other supporting the Chairman of the United Somali Congress (USC), General Mohamed Farah Aidid – has persisted in the capital city of Somalia, Mogadishu. In addition, other heavily armed elements control various parts of the city, including the seaport and the airport. Some have declared alliance with one or the other of the two factions, while others have not. The fighting has resulted in widespread death and destruction, forcing hundreds of thousands of civilians to flee the city and causing dire need for emergency humanitarian assistance. Furthermore, the conflict has threatened stability in the Horn of Africa region and its continuation has occasioned threats to international peace and security in the area.

UNITED NATIONS EFFORTS

Concerned by the situation in Somalia, the United Nations Secretary-General, in cooperation with the Organization of African Unity (OAU), the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC), has pressed for a peaceful solution to the conflict. In early January 1992, despite continued fighting in Mogadishu, the Secretary-General's envoy, Under-Secretary-General James O.C. Jonah, led a team of senior United Nations officials into the city for talks aimed at bringing about a cessation of hostilities and securing access by the international relief community to civilians caught in the conflict. The results of the visit were reported to the Secretary-General who, on 20 January, reiterated his deep concern at the escalating violence in Mogadishu. He then conducted consultations with the members of the Security Council on the appropriate course of action to take in this regard.

On 23 January 1992, by its resolution 733 (1992), the Security Council, meeting at the request of Somalia, urged all parties to the conflict to cease hostilities, and decided that all States should immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia. The Council requested the Secretary-General to increase humanitarian assistance to the affected population, and to contact all parties involved in the conflict, to seek their commitment to the cessation of hostilities, to promote a cease-fire and to assist in the process of a political settlement of the conflict.

On 31 January, the Secretary-General invited LAS, OAU and OIC, as well as Interim President Mohamed and General Aidid to send their representatives to participate in consultations in New York. The talks, which were held at United Nations Headquarters on 12-14 February, succeeded in getting the two factions in Mogadishu to agree to an immediate cessation of hostilities and the maintenance of the cease-fire, and to the visit to Mogadishu of a joint high-level delegation composed of representatives of the United Nations and the three regional organizations to conclude a cease-fire.

The joint delegation arrived in Mogadishu on 29 February 1992. On 3 March, after four days of intensive negotiations, Interim President Mohamed and General Aidid each signed a copy of an "Agreement on the Implementation of a Cease-fire", in the presence

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of the representatives of the United Nations, LAS, OAU and OIC. At the same time, the delegation undertook consultations with the two warring factions and secured their agreement and support for a national reconciliation conference to which all Somali groups would be invited. The delegation also held consultations on this matter with several other Somali groups and individuals.

On 17 March, the Security Council adopted its resolution 746 (1992) supporting the Secretary-General's decision to dispatch to Somalia a United Nations technical team to prepare a plan for a cease-fire monitoring mechanism. The Council also requested that the team develop a high-priority plan to ensure the delivery of humanitarian assistance.

The Team visited Somalia from 23 March to 1 April. Following discussions with the Team, Interim President Mohamed and General Aidid signed on 28 and 27 March 1992, respectively, Letters of Agreement on the mechanisms for monitoring the cease-fire and arrangements for equitable and effective distribution of humanitarian assistance. The Team estimated that the lives of 1.5 million people in various parts of the country were seriously threatened by lack of access to food and health care provision. A further 3.5 million Somalis were also in urgent need of humanitarian assistance.

ESTABLISHMENT OF UNOSOM

On 21 April 1992, on the basis of the Team's report, the Secretary-General recommended to the Security Council that it set up a United Nations Operation in Somalia (UNOSOM). On 24 April, the Council, by its resolution 751 (1992), decided to establish UNOSOM. The Council also asked the Secretary-General, in cooperation with the three regional organizations, to pursue consultations with all Somali parties toward convening a Conference on national reconciliation and unity. It also called on the international community for financial and other support for the Secretary-General's 90-day Plan of Action for Emergency Humanitarian Assistance to Somalia. The Council welcomed the Secretary-General's intention to appoint a Special Representative for Somalia to provide overall direction of United Nations activities in that country. Mr. Mohammed Sahnoun of Algeria was appointed Special Representative on 28 April and left for the area on 1 May 1992.

UNOSOM'S CONCEPT OF OPERATIONS

In accordance with the agreements reached with the two main Somali factions in Mogadishu, the cease-fire in the capital is to be monitored by a group of 50 unarmed uniformed United Nations military observers. The observers are to be deployed along the demarcation line separating Mogadishu into two zones. As regards humanitarian assistance, the security personnel envisaged in the agreements is to provide protection and security for United Nations personnel, equipment and supplies at the port of Mogadishu and escort deliveries of humanitarian supplies from there to distribution centres in the city and its immediate environs. They are also to provide security for United Nations personnel, equipment and supplies at the airport in Mogadishu. They are to provide the United Nations convoys of relief supplies with a sufficiently strong military escort to deter attack; they are authorized to fire in self-defence as a last resort if deterrence should not prove effective. Under the Agreements, the United Nations was to consult with the two parties about the strength of the security personnel before the plan was finalized.

In its resolution 751 (1992), the Security Council requested the Secretary-General to deploy immediately 50 observers to monitor the cease-fire in Mogadishu. It also agreed, in principle, to establish a security force to be deployed as soon as possible. In this regard, the Council requested the Secretary-General to continue his consultations with the parties in Mogadishu regarding the proposed security force and to submit his further recommendations to the Council for its decision.

On 23 June, the Secretary-General informed the Security Council that both principal factions in Mogadishu had agreed to the immediate deployment of the unarmed observers. The Chief Military Observer and the advance party of UNOSOM observers arrived in Mogadishu in early July 1992. On 12 August, the Secretary-General informed the Security Council that, after considerable delays and difficulties, agreement had been reached with the principal faction leaders in Mogadishu to deploy 500 United Nations security personnel in the capital as part of UNOSOM. He also informed the Council of his intention to proceed with the deployment of the force as soon as possible.

FURTHER DEVELOPMENTS

Between 4 May and 19 July 1992, the Secretary-General's Special Representative undertook extensive consultations with various Somali leaders and Elders and other personalities throughout the country. On 22

July, the Secretary-General submitted a further report to the Council, in which he described the complex political and security situation in Somalia, as well as the desperate situation the country faced in terms of needs for humanitarian assistance, recovery programmes and institution-building. In his report, the Secretary-General concluded that the United Nations must "adapt" its involvement in Somalia and that its efforts needed to be enlarged in order to bring about an effective cease-fire throughout the country, while at the same time promoting national reconciliation. He proposed to establish four operational zones: the north-west, the north-east, the central rangelands and Mogadishu, and the south. In each of the zones a consolidated United Nations operation would carry out the following primary activities: humanitarian relief and recovery programmes; monitoring of the cease-fire and containment of potential hostilities; security, demobilization and disarmament; the peace process and national reconciliation efforts through conciliation, mediation and good offices.

On 27 July, the Security Council approved the Secretary-General's proposal and urged all parties, movements and factions in Somalia to facilitate United Nations efforts to provide urgent humanitarian assistance to the affected population. The Council strongly supported the Secretary-General's decision to dispatch another technical team to Somalia.

ENLARGEMENT OF UNOSOM

Following the technical team's visit to Somalia on 6-15 August, the Secretary-General submitted his further report, dated 24 August, to the Security Council, in which he recommended the deployment of four additional United Nations security units, each with a strength of up to 750, for the protection of the humanitarian convoys and distribution centres throughout Somalia. Two of these would serve in the north-east and the south-west. The others would be deployed in the north-west and the south-east.

Also, in accordance with his earlier proposal, the Secretary-General recommended the establishment of four zone headquarters of UNOSOM. Each would be headed by a civilian official who would assist the Secretary-General's Special Representative in all aspects of his duties.

On 28 August, the Security Council, by its resolution 775 (1992), approved the Secretary-General's report and authorized the increase in strength of UNOSOM. It urged, *inter alia*, all parties, movements and factions in Somalia to facilitate the efforts of the United Nations, its specialized agencies and humanitarian organizations. The Council also requested the Secretary-General to continue, in close cooperation with LAS, OAU and OIC, his efforts to seek a comprehensive solution to the crisis in Somalia.

On 8 September, the Security Council also approved the Secretary-General's plan to deploy three logistic units totalling up to 719 personnel to support the enhanced UNOSOM operation.

The first group of security personnel arrived in Mogadishu on 14 September 1992.

COMPOSITION

UNOSOM military observers are provided by the following countries: Austria, Bangladesh, Czechoslovakia, Egypt, Fiji, Finland, Indonesia, Jordan, Morocco and Zimbabwe. Security contingent deployed in Mogadishu is provided by Pakistan. As to the security personnel and logistic support units to be deployed in other parts of the country, the Secretary-General has been consulting the following Governments as prospective troop-contributors: Australia, Austria, Belgium, Canada, Denmark, Egypt, Germany, Nigeria, Pakistan, Sweden and Switzerland.

FINANCIAL ASPECTS

The Secretary-General has estimated that the annual cost to the United Nations associated with the emplacement and maintenance of UNOSOM would be approximately $202 million. The costs of the operation are to be met by assessed contributions from United Nations Member States.

EARTH SUMMIT

CONVENTION ON BIOLOGICAL DIVERSITY

United Nations
Conference on
Environment and
Development

Rio de Janeiro
Brazil
3-14 June 1992

FINAL TEXT

UNITED NATIONS

INTRODUCTION

The United Nations Convention on Biological Diversity is intended to ensure effective international action to curb the destruction of biological species, habitats and ecosystems. It was opened for signature at the UN Conference on Environment and Development — the Earth Summit — in Rio de Janeiro, Brazil on 5 June 1992. At the Conference, 157 countries signed the Convention, including the European Community. In order for the Convention to become law, it must be ratified by at least 30 countries, usually by the national legislature.

The most important provisions of the Convention include:

- The requirement that countries adopt regulations to conserve their biological resources;
- The legal responsibility of Governments for the environmental impact in other countries of activities by their private corporations;
- Funding to assist developing countries in implementing the Convention, to be administered through the Global Environment Facility, pending the establishment of a new institutional structure;
- The transfer of technology to developing countries on preferential and concessional terms, where such transfer does not prejudice intellectual property rights or patents;
- Regulation of biotechnology firms;
- Access to and ownership of genetic material;
- Compensation to developing countries for extraction of their genetic materials.

BACKGROUND

The United Nations Environment Programme (UNEP) first called on Governments to consider an international legal instrument for the conservation and rational use of biological diversity in 1987. The following year UNEP established an Ad Hoc Working Group of Experts on Biological Diversity, which held three sessions between November 1988 and July 1990. On the basis of the group's final report, UNEP established a Working Group of Legal and Technical Experts to negotiate a convention. This group held two sessions and was then renamed the Intergovernmental Negotiating Committee for a Convention on Biological Diversity (INC). The INC completed negotiations for the Convention in five sessions between June 1991 and May 1992.

ISSUES

During the negotiations, contentious issues included: financial aid to enable developing countries to implement the terms of the Convention; the terms under which industrialized countries would have access to genetic materials found mostly in tropical forests in developing countries; the terms under which developing countries would have access to environmentally sound technology and to new biotechnologies developed from materials found in their tropical forests; and the question of ownership and use of patent rights of the biotechnology produced from such materials.

After negotiations were complete, a number of countries expressed reservations on various aspects of the Convention but later agreed to sign. The United States did not sign on the grounds that provisions in the Convention would unduly restrict the biotechnology industry in that country.

UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY

Preamble

The Contracting Parties,

Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

Conscious also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

Affirming that the conservation of biological diversity is a common concern of humankind,

Reaffirming that States have sovereign rights over their own biological resources,

Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

Concerned that biological diversity is being significantly reduced by certain human activities,

Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

Noting that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

Noting also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

Noting further that the fundamental requirement for the conservation of biological diversity is the *in-situ* conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

Noting further that *ex-situ* measures, preferably in the country of origin, also have an important role to play,

Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,

Recognizing also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

Stressing the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,

Acknowledging that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity,

Acknowledging further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,

Noting in this regard the special conditions of the least developed countries and small island States,

Acknowledging that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,

Recognizing that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,

Noting that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

Desiring to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations,

Have agreed as follows:

Article 1. Objectives

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Article 2. Use of Terms

For the purposes of this Convention:

"*Biological diversity*" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"*Biological resources*" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"*Biotechnology*" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"*Country of origin of genetic resources*" means the country which possesses those genetic resources in *in-situ* conditions.

"*Country providing genetic resources*" means the country supplying genetic resources collected from *in-situ* sources, including populations of both wild and domesticated species, or taken from *ex-situ* sources, which may or may not have originated in that country.

"*Domesticated or cultivated species*" means species in which the evolutionary process has been influenced by humans to meet their needs.

"*Ecosystem*" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"*Ex-situ conservation*" means the conservation of components of biological diversity outside their natural habitats.

"*Genetic material*" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"*Genetic resources*" means genetic material of actual or potential value.

"*Habitat*" means the place or type of site where an organism or population naturally occurs.

"*In-situ conditions*" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"*In-situ conservation*" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"*Protected area*" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"*Regional economic integration organization*" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"*Sustainable use*" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"*Technology*" includes biotechnology.

Article 3. Principle

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Article 4. Jurisdictional Scope

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

Article 5. Cooperation

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Article 6. General Measures for Conservation and Sustainable Use

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, *inter alia*, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 7. Identification and Monitoring

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

Article 8. *In-situ* Conservation

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;

(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;

(g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;

(i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

(k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;

(l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and

(m) Cooperate in providing financial and other support for *in-situ* conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

Article 9. *Ex-situ* Conservation

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing *in-situ* measures:

(a) Adopt measures for the *ex-situ* conservation of components of biological diversity, preferably in the country of origin of such components;

(b) Establish and maintain facilities for *ex-situ* conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for *ex-situ* conservation purposes so as not to threaten ecosystems and *in-situ* populations of species, except where special temporary *ex-situ* measures are required under subparagraph (c) above; and

(e) Cooperate in providing financial and other support for *ex-situ* conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of *ex-situ* conservation facilities in developing countries.

Article 10. Sustainable Use of Components of Biological Diversity

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Article 11. Incentive Measures

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Article 12. Research and Training

The Contracting Parties, taking into account the special needs of developing countries, shall:

(a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;

(b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, *inter alia*, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and

(c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

Article 13. Public Education and Awareness

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

Article 14. Impact Assessment and Minimizing Adverse Impacts

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

Article 15. Access to Genetic Resources

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.

5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.

6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

Article 16. Access to and Transfer of Technology

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligations included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

Article 17. Exchange of Information

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

Article 18. Technical and Scientific Cooperation

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, *inter alia*, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this Convention.

Article 19. Handling of Biotechnology and Distribution of Its Benefits

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

Article 20. Financial Resources

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.

3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.

6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

Article 21. Financial Mechanism

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

Article 22. Relationship with Other International Conventions

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

Article 23. Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not

later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;

(b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;

(c) Consider and adopt, as required, protocols in accordance with Article 28;

(d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;

(e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;

(g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;

(h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and

(i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of

its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 24. Secretariat

1. A secretariat is hereby established. Its functions shall be:

(a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;

(b) To perform the functions assigned to it by any protocol;

(c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;

(d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(e) To perform such other functions as may be determined by the Conference of the Parties.

2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 25. Subsidiary Body on Scientific, Technical and Technological Advice

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

(a) Provide scientific and technical assessments of the status of biological diversity;

(b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and

(e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

Article 26. Reports

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

Article 27. Settlement of Disputes

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

(a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Article 28. Adoption of Protocols

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.

2. Protocols shall be adopted at a meeting of the Conference of the Parties.

3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

Article 29. Amendment of the Convention or Protocols

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.

4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 30. Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to any protocol:

(a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;

(b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;

(c) On the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an additional annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention or to the protocol concerned enters into force.

Article 31. Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 32. Relationship between This Convention and Its Protocols

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

Article 33. Signature

This Convention shall be open for signature at Rio de Janeiro by all States and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

Article 34. Ratification, Acceptance or Approval

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member States being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

Article 35. Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 36. Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.

3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 37. Reservations

No reservations may be made to this Convention.

Article 38. Withdrawals

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

Article 39. Financial Interim Arrangements

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

Article 40. Secretariat Interim Arrangements

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.

Article 41. Depositary

The Secretary-General of the United Nations shall assume the functions of Depositary of this Convention and any protocols.

Article 42. Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rio de Janeiro on this fifth day of June, one thousand nine hundred and ninety-two.

Annex I

IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;

2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and

3. Described genomes and genes of social, scientific or economic importance.

Annex II

Part 1

ARBITRATION

Article 1

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

Article 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

Part 2

CONCILIATION

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by a party, designate a President within a further two-month period.

Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

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